



General Assembly

Substitute Bill No. 847

January Session, 2009

* _____SB00847PH_APP032709_____*

**AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET
RECOMMENDATIONS CONCERNING PUBLIC HEALTH.**

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

1 Section 1. Section 19a-404 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Chief Medical Examiner shall be a citizen of the United States
4 and a doctor of medicine licensed to practice medicine in Connecticut
5 and shall have had a minimum of four years postgraduate training in
6 pathology and such additional subsequent experience in forensic
7 pathology as the commission may determine, provided any person
8 otherwise qualified who is not licensed to so practice may be
9 appointed Chief Medical Examiner, provided he shall obtain such a
10 license within one year of his appointment. The commission shall
11 submit recommendations concerning the annual salary of the Chief
12 Medical Examiner to the Secretary of the Office of Policy and
13 Management for review and approval. His term of office [and annual
14 salary] shall be fixed by the commission and he may be removed by
15 the commission only for cause. Under the direction of the commission,
16 he shall prepare for transmission to the Secretary of the Office of Policy
17 and Management as required by law estimates of expenditure
18 requirements. He shall account to the State Treasurer for all fees and
19 moneys received and expended by him by virtue of his office. He may

20 as part of his duties teach medical and law school classes, conduct
21 special classes for police investigators and engage in other activities
22 related to the work of his office to such extent and on such terms as
23 may be authorized by the commission.

24 Sec. 2. Section 19a-405 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 The Chief Medical Examiner, with the approval of the commission,
27 shall appoint a deputy who shall perform all the duties of the Chief
28 Medical Examiner in case of his sickness or absence and such associate
29 medical examiners, assistant medical examiners, pathologists,
30 toxicologists, laboratory technicians and other professional staff as the
31 commission may specify. The commission in advance of appointments
32 shall specify the qualifications required for each position in terms of
33 education, experience and other relevant considerations. The
34 commission shall [fix] submit recommendations concerning the annual
35 salary of the Deputy Chief Medical Examiner to the Secretary of the
36 Office of Policy and Management for review and approval and shall
37 submit recommendations concerning salaries and compensation of
38 other professional staff to the Commissioner of Administrative
39 Services. The Chief Medical Examiner, the Deputy Chief Medical
40 Examiner, associate medical examiners, and assistant medical
41 examiners shall take the oath provided by law for public officers.
42 Other staff members as determined by the commission shall be
43 appointed by the Chief Medical Examiner, subject to the provisions of
44 chapter 67 and the rules of the commission not inconsistent therewith.

45 Sec. 3. Section 19a-240 of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective July 1, 2009*):

47 As used in this chapter, "regional department of health" means (1)
48 three or more municipalities, or (2) one or more municipalities with a
49 combined population of not less than seventy-five thousand, as
50 annually estimated by the Department of Public Health utilizing a
51 method comparable or similar to that used by the United States Census

52 Bureau, that have entered into an agreement for the purpose of
53 undertaking local health initiatives on a regional basis, and unless the
54 context otherwise requires, "board" means a board of a [district]
55 regional department of health created [as provided] in accordance with
56 the provisions of section 19a-241, as amended by this act.

57 Sec. 4. Section 19a-241 of the general statutes is repealed and the
58 following is substituted in lieu thereof (*Effective July 1, 2009*):

59 (a) Towns, cities and boroughs, by vote of their respective legislative
60 bodies, after a public hearing, may unite to form [district] regional
61 departments of health, which shall be instrumentalities of their
62 constituent municipalities. The affairs of any such [district] regional
63 department of health shall be managed by a board, which shall have
64 all the duties exercised or performed immediately prior to the effective
65 date of the creation of such [district] region by directors of health or
66 boards of health of the municipalities and which shall exercise all the
67 authority as to public health required of or conferred upon the
68 constituent municipalities by law and shall have the powers of the
69 [district] region set forth in section 19a-243, as amended by this act.
70 Towns, cities and boroughs may, in like manner, join a [district]
71 regional department of health previously formed with the approval of
72 the board of such [district] region.

73 (b) Each town, city and borough, which has so voted to become a
74 part of any such [district] region, shall, by its board of selectmen, city
75 council or board of burgesses, appoint one person to be a member of
76 such board. Any town, city or borough having a population of more
77 than ten thousand inhabitants, as annually estimated by the
78 Department of Public Health [by] utilizing a method comparable or
79 similar to that used by the United States [Bureau of the Census]
80 Census Bureau, shall be entitled to one additional representative for
81 each additional ten thousand population or part thereof, provided no
82 such municipality shall have more than five representatives on a
83 [district] regional board of health. The term of office for members of
84 the [district] regional board of health shall be three years, except that [:

85 (1) A district board of health containing only one town may elect to
86 have one-year or three-year terms of office, and (2)] during the initial
87 formation of a board with three-year appointments, appointments
88 shall be so made that approximately one-third of the board shall be
89 appointed for one year, approximately one-third appointed for two
90 years and approximately one-third appointed for three years.
91 Members of the [district] regional board of health shall serve without
92 compensation but shall receive their necessary expenses while in the
93 performance of their official duties.

94 Sec. 5. Section 19a-242 of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective July 1, 2009*):

96 (a) The board shall, after approval of the Commissioner of Public
97 Health, appoint some discreet person, possessing the qualifications
98 specified in section 19a-244, as amended by this act, to be director of
99 health for such [district] region, and if he is not selected within sixty
100 days from the formation of any such [district] regional department of
101 health, or if a vacancy in said office continues to exist for sixty days,
102 such regional director shall then be appointed by said commissioner.
103 The board may appoint a person to serve as the acting regional
104 director of health during such time as the regional director of health is
105 absent or a vacancy exists, provided such acting regional director shall
106 meet the qualifications for regional directors of health in section 19a-
107 244, as amended by this act, or such other qualifications as may be
108 approved by said commissioner. Upon the appointment of a regional
109 director of health under the provisions of this section, the terms of
110 office of the directors of health of the towns, cities or boroughs forming
111 such [district shall] region may terminate.

112 (b) Such regional director of health may be removed whenever a
113 majority of the directors of such regional department of health
114 [district] find that such regional director of health is guilty of
115 misconduct, material neglect of duty or incompetence in the conduct of
116 his office.

117 (c) On and after July 1, [1988] 2009, each [district health] regional
118 department of health shall provide for the services of a sanitarian
119 certified under chapter 395 to work under the direction of the [district]
120 regional director of health. Where practical, the [district] regional
121 director of health may act as the sanitarian.

122 (d) As used in this chapter, "authorized agent" means a sanitarian
123 certified under chapter 395 and any individual certified for a specific
124 program of environmental health by the Commissioner of Public
125 Health in accordance with the Public Health Code.

126 Sec. 6. Section 19a-243 of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective July 1, 2009*):

128 (a) Each board may make and adopt reasonable rules and
129 regulations for the promotion of general health within the [district]
130 region not in conflict with law or with the Public Health Code. The
131 powers of each [district] regional department of health shall include
132 but not be limited to the following enumerated powers: (1) To sue and
133 be sued; (2) to make and execute contracts and other instruments
134 necessary or convenient to the exercise of the powers of the regional
135 department of health; [district;] (3) to make and from time to time
136 amend and repeal bylaws, rules and regulations; (4) to acquire real
137 estate; (5) to provide for the financing of the programs, projects or
138 other functions of the [district] regional department of health in the
139 manner described in subsection (b) of this section; and (6) to have such
140 other powers as are necessary to properly carry out its powers as an
141 independent entity of government.

142 (b) A [district] region may, without limiting its authority under
143 other provisions of law, borrow money for the purpose of carrying out
144 or administering a [district] regional project, program or other function
145 authorized under this chapter, or for the purpose of refinancing
146 existing indebtedness, or temporarily in anticipation of receipt of
147 current revenues, and provided the board shall hold a public hearing
148 on any such proposed borrowing which is estimated by the board to

149 increase the annual apportionment of [district] regional department of
150 health expenses made pursuant to subsection (c) of this section, as
151 amended by this act, by more than seven per cent over levels currently
152 established. The board shall give one week's notice of such hearing in a
153 newspaper having a circulation in each constituent municipality of the
154 [district] region. The [district] regional department of health may enter
155 into note, loan or other agreements providing that such borrowings
156 shall be payable from or secured by one or more of the following: (1) A
157 pledge, lien, mortgage or other security interest in any or all of the
158 income, proceeds, revenues and property, real or personal, of its
159 projects, assets, programs or other functions, including the proceeds of
160 payments, grants, loans, advances, guarantees or contributions from
161 the federal government, the state of Connecticut, the constituent
162 municipalities of the [district] region or any other source; or (2) a
163 pledge, lien, mortgage or other security interest in the property, real or
164 personal, of projects to be financed by the borrowing. Such borrowings
165 and obligations shall not constitute an indebtedness within the
166 meaning of any debt limitation or restrictions on, and shall not be
167 obligations of, the state of Connecticut or any municipality. No
168 constituent municipality of a [district] region shall be liable for any
169 such borrowing or obligation of the [district] region upon default.
170 Neither members of the board nor any person executing on behalf of
171 the [district] region any note, mortgage, pledge, loan, security or other
172 agreement in connection with the borrowing of money by a [district]
173 region shall be personally liable on the obligations thereunder or be
174 subject to any personal liability or accountability by reason of the
175 entrance into such agreements. Each pledge, agreement or assignment
176 made for the benefit or security of any such borrowing entered into
177 pursuant to this subsection shall be in effect until the principal and
178 interest on such borrowing for the benefit of which the same were
179 made have been fully paid, or until provision is made for the payment
180 in the manner provided therein. Any pledge or assignment made in
181 respect of such borrowing secured thereby shall be valid and binding
182 from the time when the pledge or assignment is made; any income,
183 proceeds, revenues or property so pledged or assigned and thereafter

184 received by the [district] region shall immediately be subject to the lien
185 of such pledge, without any physical delivery thereof or further act;
186 and the lien of any such pledge or assignment shall be valid and
187 binding as against parties having claims of any kind in tort, contract or
188 otherwise against the [district] region irrespective of whether such
189 parties have notice thereof. Neither the resolution, trust indenture,
190 agreement, assignment or other instrument by which a pledge is
191 created need be recorded or filed, except for the recording of any
192 mortgage or lien on real property or on any interest in real property.

193 (c) The board shall meet at least quarterly and at other times
194 determined by the chairperson. At its September meeting it shall elect
195 a chairperson and it shall furnish the necessary offices and equipment
196 to enable it to carry out its duties. The board may elect an executive
197 committee, consisting of the chairperson and two other members, and
198 the regional director of health, who shall serve without a vote, and
199 such executive committee shall have power to act when the board is
200 not in session. The fiscal year of each [district] regional department of
201 health shall be from July first to June thirtieth, and, by June thirtieth in
202 each year, the board shall estimate the amount of money required to
203 pay the costs and expenses of the [district] regional department of
204 health during the ensuing fiscal year, provided, if any municipality
205 within the [district] region has a fiscal year which begins on July first,
206 such estimate shall be made by April thirtieth of each year. Such board
207 shall hold a public hearing on its proposed budget, two weeks' notice
208 of which shall be given in a newspaper having a circulation in each
209 constituent municipality of such [district] region. From time to time the
210 board shall draw upon the treasurer of each town, city or borough
211 within the [district] region a proportionate share of the expenses of
212 such [district] region, from such funds as may have been appropriated
213 by each, to pay the cost of operating the [district] regional department
214 of health, including debt service on borrowings of the [district] region,
215 such apportionment to be made equitable on a per capita basis as
216 established by the last annual population estimate by the Department
217 of Public Health for each participating town, city or borough.

218 Sec. 7. Section 19a-244 of the general statutes is repealed and the
219 following is substituted in lieu thereof (*Effective July 1, 2009*):

220 The regional director of health shall either (1) be a doctor of
221 medicine and hold a degree in public health as a result of having at
222 least one year's special training in public health, or, in lieu of said
223 degree, shall meet the qualifications prescribed by the Commissioner
224 of Public Health, or (2) be trained in public health and hold a masters
225 degree in public health. The board may specify in a written agreement
226 with such regional director the term of office, which shall not exceed
227 three years, salary and duties required of and responsibilities assigned
228 to such regional director in addition to those required by the general
229 statutes or the Public Health Code, if any. He shall be removed during
230 the term of such written agreement only for cause after a public
231 hearing by the board on charges preferred, of which reasonable notice
232 shall have been given. He shall devote his entire time to the
233 performance of such duties as are required of regional directors of
234 health by the general statutes or the Public Health Code and as the
235 board specifies in its written agreement with him; and shall act as
236 secretary and treasurer of the board, without the right to vote. He shall
237 give to the [district] regional department of health a bond with a surety
238 company authorized to transact business in the state, for the faithful
239 performance of his duties as treasurer, in such sum and upon such
240 conditions as the board requires. He shall be the executive officer of
241 the [district] regional department of health. Full-time employees of a
242 city, town or borough health department at the time such city, town or
243 borough votes to form or join a [district] regional department of health
244 shall become employees of such [district] regional department of
245 health. Such employees may retain their rights and benefits in the
246 pension system of the town, city or borough by which they were
247 employed and shall continue to retain their active participating
248 membership therein until retired. Such employees shall pay into such
249 pension system the contributions required of them for their class and
250 membership. Any additional employees to be hired by the [district]
251 region or any vacancies to be filled shall be filled in accordance with

252 the rules and regulations of the merit system of the state of
253 Connecticut and the employees who are employees of cities, towns or
254 boroughs which have adopted a local civil service or merit system
255 shall be included in their comparable grade with fully attained
256 seniority in the state merit system. Such employees shall perform such
257 duties as are prescribed by the regional director of health. In the event
258 of the withdrawal of a town, city or borough from the [district]
259 regional department of health, or in the event of a dissolution of any
260 [district] regional department of health, the employees thereof,
261 originally employed therein, shall automatically become employees of
262 the appropriate town, city or borough's board of health.

263 Sec. 8. Section 19a-245 of the general statutes is repealed and the
264 following is substituted in lieu thereof (*Effective July 1, 2009*):

265 Upon application to the Department of Public Health, each regional
266 department of health [district] shall annually receive from the state an
267 amount equal to [two dollars and forty-three cents] one dollar and
268 eighty-five cents per capita for each town, city and borough of such
269 [district which has a population of five thousand or less, and two
270 dollars and eight cents per capita for each town, city and borough of
271 such district which has a population of more than five thousand]
272 region, provided (1) the Commissioner of Public Health approves the
273 public health program and budget of such health [district] region, and
274 (2) the towns, cities and boroughs of such [district] region appropriate
275 for the maintenance of the regional department of health [district] not
276 less than one dollar per capita from the annual tax receipts. Such
277 [district] regional departments of health are authorized to use
278 additional funds, which the Department of Public Health may secure
279 from federal agencies or any other source and which it may allot to
280 such [district] regional departments of health. The [district] regional
281 treasurer shall disburse the money so received upon warrants
282 approved by a majority of the board and signed by its chairman and
283 secretary. The Comptroller shall quarterly, in July, October, January
284 and April, upon such application and upon the voucher of the

285 Commissioner of Public Health, draw the Comptroller's order on the
286 State Treasurer in favor of such [district] regional department of health
287 for the amount due in accordance with the provisions of this section
288 and under rules prescribed by the commissioner. Any moneys
289 remaining unexpended at the end of a fiscal year shall be included in
290 the budget of the [district] region for the ensuing year. This aid shall be
291 rendered from appropriations made from time to time by the General
292 Assembly to the Department of Public Health for this purpose.

293 Sec. 9. Section 19a-246 of the general statutes is repealed and the
294 following is substituted in lieu thereof (*Effective July 1, 2009*):

295 (a) Any constituent town, city or borough may, by vote passed prior
296 to January first in any year, withdraw from the [district] region, such
297 withdrawal to become effective on the first day of July following,
298 provided such city, town or borough shall have been a member of the
299 [district] region for at least twenty-four months prior to such vote of
300 withdrawal. A city, town or borough on withdrawal shall at once
301 resume such status with respect to the appointment of its director of
302 health, employees and board of health as it held prior to becoming a
303 member of the district as provided in section 19a-244, as amended by
304 this act. Employees shall not lose any benefits or civil services status as
305 a result of the withdrawal from the [district] regional department of
306 health.

307 (b) Notwithstanding the provisions of subsection (a) of this section,
308 no withdrawal or termination of participation by any constituent
309 municipality shall affect any pledge, agreement, assignment or
310 mortgage of any income, revenue proceeds or property of a [district]
311 region made for the benefit or security of any borrowing of the
312 [district] region entered into pursuant to subsection (b) of section 19a-
313 243, as amended by this act.

314 (c) Notwithstanding any other provision of the general statutes, no
315 [district] regional department of health shall cease to exist until such
316 time as payment or provision for payment of the outstanding balance

317 of borrowings of such [district] regional department of health entered
318 into pursuant to subsection (b) of section 19a-243, as amended by this
319 act is made.

320 Sec. 10. Section 19a-202 of the general statutes is repealed and the
321 following is substituted in lieu thereof (*Effective July 1, 2009*):

322 [Upon application to the Department of Public Health any
323 municipal health department shall annually receive from the state an
324 amount equal to one dollar and eighteen cents per capita, provided
325 such municipality (1) employs a full-time director of health, except that
326 if a vacancy exists in the office of director of health or the office is filled
327 by an acting director for more than three months, such municipality
328 shall not be eligible for funding unless the Commissioner of Public
329 Health waives this requirement; (2) submits] Each municipal
330 department of health shall submit a public health program and budget
331 [which is approved by] to the Commissioner of Public Health. [; and
332 (3) appropriates not less than one dollar per capita, from the annual tax
333 receipts, for health department services. Such municipal department of
334 health may use additional funds, which the Department of Public
335 Health may secure from federal agencies or any other source and
336 which it may allot to such municipal department of health. The money
337 so received shall be disbursed upon warrants approved by the chief
338 executive officer of such municipality. The Comptroller shall annually
339 in July and upon a voucher of the Commissioner of Public Health,
340 draw the Comptroller's order on the State Treasurer in favor of such
341 municipal department of health for the amount due in accordance with
342 the provisions of this section and under rules prescribed by the
343 commissioner. Any moneys remaining unexpended at the end of a
344 fiscal year shall be included in the budget of such municipal
345 department of health for the ensuing year. This aid shall be rendered
346 from appropriations made from time to time by the General Assembly
347 to the Department of Public Health for this purpose.]

348 Sec. 11. Section 19a-204 of the general statutes is repealed and the
349 following is substituted in lieu thereof (*Effective July 1, 2009*):

350 (a) The certificate of the appointment of any town, borough or city
351 director of health shall be filed with the Commissioner of Public
352 Health by the person making such appointment, and if such director is
353 also, by reason of any special act, the registrar of vital statistics of such
354 municipality, the person making such appointment shall, within ten
355 days, transmit to the Secretary of the State and to the clerk of the
356 municipality for which such appointment is made a certified notice of
357 such appointment. Such notice shall be in substantially the following
358 form:

359 I hereby certify that was appointed on the day of, A.D. 20..
360 Director of Health of the town (borough, city) of and, under special
361 act, the registrar of births, marriages and deaths of such town
362 (borough, city) from the day of, A.D. 20.. until the day of,
363 A.D. 20..

364 Certification and Signature

365 Said secretary and such clerk shall each, in a book kept by him for
366 the purpose, record the names of such registrars and may severally
367 certify that the persons named in such records are the registrars of vital
368 statistics of their respective towns, boroughs and cities for the period
369 for which they were respectively appointed. Each town, borough and
370 city director of health, before entering upon the duties of his office,
371 shall be sworn to the faithful discharge thereof.

372 (b) For any regional department of health formed on or after July 1,
373 2009, such certificate of appointment to a regional department of
374 health shall be provided to the Commissioner of Public Health no later
375 than October 1, 2009.

376 Sec. 12. Subsection (f) of section 19a-206 of the general statutes is
377 repealed and the following is substituted in lieu thereof (*Effective July*
378 *1, 2009*):

379 (f) If the order of a [district] regional department of health, formed
380 pursuant to section 19a-241, as amended by this act, causes the

381 displacement of any occupant of a residential dwelling unit, the
382 municipality in which such dwelling unit is located shall be
383 responsible for any relocation assistance afforded to such occupant
384 pursuant to chapter 135. The [district] regional department of health
385 shall provide written notification to the occupant of the occupant's
386 rights under chapter 135 at the time an order causing displacement is
387 issued. The written notification shall include the name, address and
388 telephone number of the person authorized by the municipality to
389 process applications for relocation assistance afforded pursuant to
390 chapter 135.

391 Sec. 13. Section 19a-208 of the general statutes is repealed and the
392 following is substituted in lieu thereof (*Effective July 1, 2009*):

393 Town, city, borough and [district] regional directors of health shall
394 attend conferences called by the Department of Public Health to
395 consider matters relating to public health, and the necessary expenses
396 incident to such attendance shall be paid by the town, city, borough or
397 [district] region represented by the director, provided said department
398 shall not call more than two such conferences in any year.

399 Sec. 14. Section 19a-209a of the general statutes is repealed and the
400 following is substituted in lieu thereof (*Effective July 1, 2009*):

401 The director of health of a town, city, or borough or of a [district
402 health] regional department of health may issue a permit for the
403 installation or replacement of a water supply well at residential
404 premises on property whose boundary is located within two hundred
405 feet of an approved community water supply system, measured along
406 a street, alley or easement, where (1) the water from the water supply
407 well is only used for irrigation or other outside use and is not used for
408 human consumption, (2) a reduced pressure device is installed to
409 protect against a cross connection with the public water supply, (3) no
410 connection exists between the water supply well and the community
411 water system, and (4) the use of the water supply well will not affect
412 the purity or adequacy of the supply or service to the customers of the

413 community water supply system. Any well installed pursuant to this
414 subsection, except a well used for irrigation, shall be subject to water
415 quality testing that demonstrates the supply meets the water quality
416 standards established in section 19a-37,as amended by this act, at the
417 time of installation and at least every ten years thereafter or as
418 requested by the local or regional director of health. Upon a
419 determination by the local or regional director of health that an
420 irrigation well creates an unacceptable risk of injury to the health or
421 safety of persons using the water, to the general public, or to any
422 public water supply, the local or regional director of health may issue
423 an order requiring the immediate implementation of mitigation
424 measures, up to and including permanent abandonment of the well, in
425 accordance with the provisions of the Connecticut Well Drilling Code
426 adopted pursuant to section 25-128. In the event a cross connection
427 with the public water system is found, the owner of the system may
428 terminate service to the premises.

429 Sec. 15. Subsection (a) of section 19a-221 of the general statutes is
430 repealed and the following is substituted in lieu thereof (*Effective July*
431 *1, 2009*):

432 (a) Any town, city, borough or [district] regional director of health
433 may order any person isolated or quarantined whom such director has
434 reasonable grounds to believe to be infected with a communicable
435 disease or to be contaminated, if such director determines such person
436 poses a substantial threat to the public health and isolation or
437 quarantine is necessary to protect or preserve the public health, except
438 that in the event the Governor declares a public health emergency,
439 pursuant to section 19a-131a, each town, city, borough and [district]
440 regional director of health shall comply with and carry out any order
441 the Commissioner of Public Health issues in furtherance of the
442 Governor's order pursuant to the declaration of the public health
443 emergency.

444 Sec. 16. Section 19a-223 of the general statutes is repealed and the
445 following is substituted in lieu thereof (*Effective July 1, 2009*):

446 (a) Any municipal departments of health, pursuant to municipal
447 charter or ordinance, and regional departments of health [districts]
448 may contract among themselves for the joint use or benefit of the
449 municipality for services, personnel, facilities, equipment or any other
450 property or resources for matters affecting public health. Any officer or
451 employee of a municipality furnishing such services under such an
452 agreement shall have, in the municipality or [district] region to which
453 the services are furnished, the same authority, responsibilities and
454 duties as to public health as the officer or employee has in the
455 municipality or [district] region employing him.

456 (b) When necessary to protect and preserve the public health and
457 prevent the spread of disease and injury, any municipal department of
458 health, pursuant to any municipal charter or ordinance and with the
459 approval of the chief executive officer of the municipality, or any
460 regional department of health [district] may request emergency
461 assistance and the use of resources from any other municipal
462 department of health or regional department of health. [district.] Any
463 officer or employee of a municipality or regional department of health,
464 [district,] while acting in response to such a request, shall have, in the
465 municipality or [district] region to which the services are furnished,
466 the same powers, duties, privileges and immunities as are conferred on
467 public health officers and employees of the municipality or [district]
468 region requesting assistance.

469 Sec. 17. Subsection (b) of section 19a-231 of the general statutes is
470 repealed and the following is substituted in lieu thereof (*Effective July*
471 *1, 2009*):

472 (b) The director of health for any town, city, borough or [district]
473 regional department of health, or the director's authorized
474 representative, shall, on an annual basis, inspect all salons within the
475 director's jurisdiction regarding their sanitary condition. The director
476 of health, or the director's authorized representative, shall have full
477 power to enter and inspect any such salon during usual business
478 hours. If any salon, upon such inspection, is found to be in an

479 unsanitary condition, the director of health shall make written order
480 that such salon be placed in a sanitary condition. The director of health
481 may collect from the operator of any such salon a reasonable fee, not to
482 exceed one hundred dollars, for the cost of conducting any annual
483 inspection of such salon pursuant to this section. Notwithstanding any
484 municipal charter, home rule ordinance or special act, any fee collected
485 by the director of health pursuant to this section shall be used by the
486 town, city, borough or [district] regional department of health for
487 conducting inspections pursuant to this section.

488 Sec. 18. Subsection (a) of section 19a-639a of the general statutes is
489 repealed and the following is substituted in lieu thereof (*Effective July*
490 *1, 2009*):

491 (a) Except as provided in subsection (c) of section 19a-639 or as
492 required in subsection (b) of this section, the provisions of section 19a-
493 638 and subsection (a) of section 19a-639 shall not apply to: (1) An
494 outpatient clinic or program operated exclusively by, or contracted to
495 be operated exclusively for, a municipality or municipal agency, a
496 regional department of health, [district,] as defined in section 19a-240,
497 as amended by this act, or a board of education; (2) a residential facility
498 for the mentally retarded licensed pursuant to section 17a-227 and
499 certified to participate in the Title XIX Medicaid program as an
500 intermediate care facility for the mentally retarded; (3) an outpatient
501 rehabilitation service agency that was in operation on January 1, 1998,
502 that is operated exclusively on an outpatient basis and that is eligible
503 to receive reimbursement under section 17b-243; (4) a clinical
504 laboratory; (5) an assisted living services agency; (6) an outpatient
505 service offering chronic dialysis; (7) a program of ambulatory services
506 established and conducted by a health maintenance organization; (8) a
507 home health agency; (9) a clinic operated by the AmeriCares
508 Foundation; (10) a nursing home; or (11) a rest home. The exemptions
509 provided in this section shall not apply when a nursing home or rest
510 home is, or will be created, acquired, operated or in any other way
511 related to or affiliated with, or under the complete or partial

512 ownership or control of a facility or institution or affiliate subject to the
513 provisions of section 19a-638 or subsection (a) of section 19a-639.

514 Sec. 19. Section 4-28g of the general statutes is repealed and the
515 following is substituted in lieu thereof (*Effective July 1, 2009*):

516 Any governmental entity or Section 501(c)(3) of the Internal
517 Revenue Code of 1986, or any subsequent corresponding internal
518 revenue code of the United States, as from time to time amended or
519 Section 501(c)(4) of said Internal Revenue Code organization,
520 including, but not limited to, [local health districts] regional
521 departments of health and regional action councils, which receives
522 state dollars for tobacco education or reduction or prevention of
523 tobacco use, shall submit a plan to the Department of Public Health
524 identifying the target population, the methods for choosing the target
525 population, and the evaluation component for the effectiveness of the
526 program. Such plan shall be approved by the Department of Health
527 prior to the release of funds.

528 Sec. 20. Subsection (b) of section 19a-7h of the general statutes is
529 repealed and the following is substituted in lieu thereof (*Effective July*
530 *1, 2009*):

531 (b) For purposes of this section, "health care provider" means a
532 person who has direct or supervisory responsibility for the delivery of
533 immunization including licensed physicians, nurse practitioners, nurse
534 midwives, physician assistants and nurses. Each health care provider
535 who has provided health care to a child listed in the registry shall
536 report to the commissioner or his designee sufficient information to
537 identify the child and the name and date of each vaccine dose given to
538 that child or when appropriate, contraindications or exemptions to
539 administration of each vaccine dose. Reports shall be made by such
540 means determined by the commissioner to result in timely reporting.
541 Each health care provider intending to administer vaccines to any
542 child listed on the registry and each parent or guardian of such child
543 shall be provided current information as contained in the registry on

544 the immunization status of the child for the purposes of determining
545 whether additional doses of recommended routine childhood
546 immunizations are needed, or to officially document immunization
547 status to meet state day care or school immunization entry
548 requirements pursuant to sections 10-204a, 19a-79 and 19a-87b and
549 regulations adopted thereunder. Each director of health of any town,
550 city or regional department of health [district] shall be provided with
551 sufficient information on the children who live in his jurisdiction and
552 who are listed on the registry to enable determination of which
553 children are overdue for scheduled immunizations and to enable
554 provision of outreach to assist in getting each such child vaccinated.

555 Sec. 21. Subsection (d) of section 19a-37 of the general statutes is
556 repealed and the following is substituted in lieu thereof (*Effective July*
557 *1, 2009*):

558 (d) No regulation may require that a certificate of occupancy for a
559 dwelling unit on such residential property be withheld or revoked on
560 the basis of a water quality test performed on a private residential well
561 pursuant to this section, unless such test results indicate that any
562 maximum contaminant level applicable to public water supply
563 systems for any contaminant listed in the public health code has been
564 exceeded. No administrative agency, regional department of health
565 [district] or municipal health officer may withhold or cause to be
566 withheld such a certificate of occupancy except as provided in this
567 section.

568 Sec. 22. Section 19a-76 of the general statutes is repealed and the
569 following is substituted in lieu thereof (*Effective July 1, 2009*):

570 The Commissioner of Public Health shall adopt regulations, in
571 accordance with the provisions of chapter 54, establishing minimum
572 standards for approval of the public health programs and budgets of
573 regional departments of health [districts] and municipal health
574 departments, as required under sections 19a-202, as amended by this
575 act and 19a-245, as amended by this act.

576 Sec. 23. Subsections (b) and (c) of section 19a-232 of the general
577 statutes are repealed and the following is substituted in lieu thereof
578 (*Effective July 1, 2009*):

579 (b) Any operator who, knowing that a person is under sixteen years
580 of age or under circumstances where such operator should know that a
581 person is under sixteen years of age, allows such person to use a
582 tanning device without the written consent of a parent or guardian
583 shall be fined not more than one hundred dollars. Such fine shall be
584 payable to the municipal health department or regional department of
585 health [district] for the municipality in which the tanning facility is
586 located.

587 (c) Any municipal health department established under this chapter
588 and any [district] regional department of health established under
589 chapter 368f may, within its available resources, enforce the provisions
590 of this section.

591 Sec. 24. Subsection (e) of section 19a-491 of the general statutes is
592 repealed and the following is substituted in lieu thereof (*Effective July*
593 *1, 2009*):

594 (e) Notwithstanding any regulation, the commissioner shall charge
595 the following fees for the licensing and inspection every four years of
596 the following institutions: (1) Outpatient clinics that provide either
597 medical or mental health service, and well-child clinics, except those
598 operated by municipal health departments, regional departments of
599 health [districts] or licensed nonprofit nursing or community health
600 agencies, one thousand dollars; (2) maternity homes, per site, two
601 hundred dollars; and (3) maternity homes, per bed, ten dollars.

602 Sec. 25. Section 22-359a of the general statutes is repealed and the
603 following is substituted in lieu thereof (*Effective July 1, 2009*):

604 (a) On or before June first, annually, the town clerk and the director
605 of health of any municipality or regional department of health,
606 [district,] in consultation with the municipal animal control officer of

607 the municipality or the regional animal control officer, may arrange for
608 a low-cost clinic for the vaccination of dogs and cats against rabies.
609 Such clinic shall be conducted with the cooperation and participation
610 of a licensed veterinarian. The owner or keeper of a dog or cat
611 vaccinated at such clinic shall pay the cost of vaccination.

612 (b) The town clerk, municipal animal control officer of the
613 municipality or regional animal control officer may make provisions
614 for the licensing of dogs vaccinated at an antirabies clinic at the time of
615 vaccination.

616 Sec. 26. Section 19a-7d of the general statutes is repealed and the
617 following is substituted in lieu thereof (*Effective July 1, 2009*):

618 (a) The Commissioner of Public Health may establish, within
619 available appropriations, a program to provide [three-year] grants to
620 community-based providers of primary care services in order to
621 expand access to health care for the uninsured. The grants may be
622 awarded to community-based providers of primary care for (1)
623 funding for direct services, (2) recruitment and retention of primary
624 care clinicians and registered nurses through subsidizing of salaries or
625 through a loan repayment assistance program, and (3) capital
626 expenditures. The community-based providers of primary care under
627 the direct service program shall provide, or arrange access to, primary
628 and preventive services, referrals to specialty services, including
629 rehabilitative and mental health services, inpatient care, prescription
630 drugs, basic diagnostic laboratory services, health education and
631 outreach to alert people to the availability of services. Primary care
632 clinicians and registered nurses participating in the state loan
633 repayment assistance program or receiving subsidies shall provide
634 services to the uninsured based on a sliding fee schedule, provide free
635 care if necessary, accept Medicare assignment and participate as
636 Medicaid providers, [or] provide nursing services in school-based
637 health centers, or teach in the field of health care education. The
638 commissioner may adopt regulations, in accordance with the
639 provisions of chapter 54, to establish eligibility criteria, services to be

640 provided by participants, the sliding fee schedule, reporting
641 requirements and the loan repayment assistance program. For the
642 purposes of this section, "primary care clinicians" includes family
643 practice physicians, general practice osteopaths, obstetricians and
644 gynecologists, internal medicine physicians, pediatricians, dentists,
645 certified nurse midwives, advanced practice registered nurses,
646 physician assistants and dental hygienists.

647 (b) Funds appropriated for the state loan repayment program shall
648 not lapse until fifteen months following the end of the fiscal year for
649 which such funds were appropriated.

650 Sec. 27. Subsection (a) of section 19a-178b of the general statutes is
651 repealed and the following is substituted in lieu thereof (*Effective July*
652 *1, 2009*):

653 (a) The Commissioner of Public Health shall, within available
654 appropriations, establish an Emergency Medical Services Equipment
655 and Local System Development grant program. The program shall,
656 within available appropriations, provide incentive grants for
657 enhancing emergency medical services and equipment. The
658 commissioner shall define the nature, description and systems
659 designed for grant proposals.

660 Sec. 28. Subdivision (16) of subsection (b) of section 1-210 of the
661 general statutes is repealed and the following is substituted in lieu
662 thereof (*Effective July 1, 2009*):

663 (16) Records of complaints, including information compiled in the
664 investigation thereof, brought to a municipal health authority pursuant
665 to chapter 368e or a [district] regional department of health pursuant
666 to chapter 368f, until such time as the investigation is concluded or
667 thirty days from the date of receipt of the complaint, whichever occurs
668 first.

669 Sec. 29. Subdivision (2) of subsection (e) of section 1-210 of the
670 general statutes is repealed and the following is substituted in lieu

671 thereof (*Effective July 1, 2009*):

672 (2) All records of investigation conducted with respect to any
673 tenement house, lodging house or boarding house as defined in section
674 19a-355, or any nursing home, residential care home or rest home, as
675 defined in section 19a-490, by any municipal building department or
676 housing code inspection department, any local or [district health
677 department] regional department of health, or any other department
678 charged with the enforcement of ordinances or laws regulating the
679 erection, construction, alteration, maintenance, sanitation, ventilation
680 or occupancy of such buildings.

681 Sec. 30. Subsection (a) of section 5-259 of the general statutes is
682 repealed and the following is substituted in lieu thereof (*Effective July*
683 *1, 2009*):

684 (a) The Comptroller, with the approval of the Attorney General and
685 of the Insurance Commissioner, shall arrange and procure a group
686 hospitalization and medical and surgical insurance plan or plans for
687 (1) state employees, (2) members of the General Assembly who elect
688 coverage under such plan or plans, (3) participants in an alternate
689 retirement program who meet the service requirements of section
690 5-162 or subsection (a) of section 5-166, (4) anyone receiving benefits
691 under section 5-144 or from any state-sponsored retirement system,
692 except the teachers' retirement system and the municipal employees
693 retirement system, (5) judges of probate and Probate Court employees,
694 (6) the surviving spouse, and any dependent children until they reach
695 the age of eighteen, of a state police officer, a member of an organized
696 local police department, a firefighter or a constable who performs
697 criminal law enforcement duties who dies before, on or after June 26,
698 2003, as the result of injuries received while acting within the scope of
699 such officer's or firefighter's or constable's employment and not as the
700 result of illness or natural causes, and whose surviving spouse and
701 dependent children are not otherwise eligible for a group
702 hospitalization and medical and surgical insurance plan, (7) employees
703 of the Capital City Economic Development Authority established by

704 section 32-601, and (8) the surviving spouse and dependent children of
705 any employee of a municipality who dies on or after October 1, 2000,
706 as the result of injuries received while acting within the scope of such
707 employee's employment and not as the result of illness or natural
708 causes, and whose surviving spouse and dependent children are not
709 otherwise eligible for a group hospitalization and medical and surgical
710 insurance plan. For purposes of this subdivision, "employee" means
711 any regular employee or elective officer receiving pay from a
712 municipality, "municipality" means any town, city, borough, school
713 district, taxing district, fire district, [district] regional department of
714 health, probate district, housing authority, regional work force
715 development board established under section 31-3k, flood commission
716 or authority established by special act or regional planning agency. For
717 purposes of subdivision (6) of this subsection, "firefighter" means any
718 person who is regularly employed and paid by any municipality for
719 the purpose of performing firefighting duties for a municipality on
720 average of not less than thirty-five hours per week. The minimum
721 benefits to be provided by such plan or plans shall be substantially
722 equal in value to the benefits that each such employee or member of
723 the General Assembly could secure in such plan or plans on an
724 individual basis on the preceding first day of July. The state shall pay
725 for each such employee and each member of the General Assembly
726 covered by such plan or plans the portion of the premium charged for
727 such member's or employee's individual coverage and seventy per
728 cent of the additional cost of the form of coverage and such amount
729 shall be credited to the total premiums owed by such employee or
730 member of the General Assembly for the form of such member's or
731 employee's coverage under such plan or plans. On and after January 1,
732 1989, the state shall pay for anyone receiving benefits from any such
733 state-sponsored retirement system one hundred per cent of the portion
734 of the premium charged for such member's or employee's individual
735 coverage and one hundred per cent of any additional cost for the form
736 of coverage. The balance of any premiums payable by an individual
737 employee or by a member of the General Assembly for the form of
738 coverage shall be deducted from the payroll by the State Comptroller.

739 The total premiums payable shall be remitted by the Comptroller to
740 the insurance company or companies or nonprofit organization or
741 organizations providing the coverage. The amount of the state's
742 contribution per employee for a health maintenance organization
743 option shall be equal, in terms of dollars and cents, to the largest
744 amount of the contribution per employee paid for any other option
745 that is available to all eligible state employees included in the health
746 benefits plan, but shall not be required to exceed the amount of the
747 health maintenance organization premium.

748 Sec. 31. Subsection (i) of section 5-259 of the general statutes is
749 repealed and the following is substituted in lieu thereof (*Effective July*
750 *1, 2009*):

751 (i) The Comptroller may provide for coverage of employees of
752 municipalities, nonprofit corporations, community action agencies and
753 small employers and individuals eligible for a health coverage tax
754 credit, retired members or members of an association for personal care
755 assistants under the plan or plans procured under subsection (a) of this
756 section, provided: (1) Participation by each municipality, nonprofit
757 corporation, community action agency, small employer, eligible
758 individual, retired member or association for personal care assistants
759 shall be on a voluntary basis; (2) where an employee organization
760 represents employees of a municipality, nonprofit corporation,
761 community action agency or small employer, participation in a plan or
762 plans to be procured under subsection (a) of this section shall be by
763 mutual agreement of the municipality, nonprofit corporation,
764 community action agency or small employer and the employee
765 organization only and neither party may submit the issue of
766 participation to binding arbitration except by mutual agreement if
767 such binding arbitration is available; (3) no group of employees shall
768 be refused entry into the plan by reason of past or future health care
769 costs or claim experience; (4) rates paid by the state for its employees
770 under subsection (a) of this section are not adversely affected by this
771 subsection; (5) administrative costs to the plan or plans provided

772 under this subsection shall not be paid by the state; (6) participation in
773 the plan or plans in an amount determined by the state shall be for the
774 duration of the period of the plan or plans, or for such other period as
775 mutually agreed by the municipality, nonprofit corporation,
776 community action agency, small employer, retired member or
777 association for personal care assistants and the Comptroller; and (7)
778 nothing in this section or section 12-202a, 38a-551, 38a-553 or 38a-556
779 shall be construed as requiring a participating insurer or health care
780 center to issue individual policies to individuals eligible for a health
781 coverage tax credit. The coverage provided under this section may be
782 referred to as the "Municipal Employee Health Insurance Plan". The
783 Comptroller may arrange and procure for the employees and eligible
784 individuals under this subsection health benefit plans that vary from
785 the plan or plans procured under subsection (a) of this section.
786 Notwithstanding any provision of part V of chapter 700c, the coverage
787 provided under this subsection may be offered on either a fully
788 underwritten or risk-pooled basis at the discretion of the Comptroller.
789 For the purposes of this subsection, (A) "municipality" means any
790 town, city, borough, school district, taxing district, fire district,
791 [district] regional department of health, probate district, housing
792 authority, regional work force development board established under
793 section 31-3k, regional emergency telecommunications center, tourism
794 district established under section 32-302, flood commission or
795 authority established by special act, regional planning agency, transit
796 district formed under chapter 103a, or the Children's Center
797 established by number 571 of the public acts of 1969; (B) "nonprofit
798 corporation" means (i) a nonprofit corporation organized under 26
799 USC 501 that has a contract with the state or receives a portion of its
800 funding from a municipality, the state or the federal government, or
801 (ii) an organization that is tax exempt pursuant to 26 USC 501(c)(5); (C)
802 "community action agency" means a community action agency, as
803 defined in section 17b-885; (D) "small employer" means a small
804 employer, as defined in subparagraph (A) of subdivision (4) of section
805 38a-564; (E) "eligible individuals" or "individuals eligible for a health
806 coverage tax credit" means individuals who are eligible for the credit

807 for health insurance costs under Section 35 of the Internal Revenue
808 Code of 1986, or any subsequent corresponding internal revenue code
809 of the United States, as from time to time amended, in accordance with
810 the Pension Benefit Guaranty Corporation and Trade Adjustment
811 Assistance programs of the Trade Act of 2002 (P.L. 107-210); (F)
812 "association for personal care assistants" means an organization
813 composed of personal care attendants who are employed by recipients
814 of service (i) under the home-care program for the elderly under
815 section 17b-342, (ii) under the personal care assistance program under
816 section 17b-605a, (iii) in an independent living center pursuant to
817 sections 17b-613 to 17b-615, inclusive, or (iv) under the program for
818 individuals with acquired brain injury as described in section 17b-
819 260a; and (G) "retired members" means individuals eligible for a
820 retirement benefit from the Connecticut municipal employees'
821 retirement system.

822 Sec. 32. Subsection (e) of section 7-101a of the general statutes is
823 repealed and the following is substituted in lieu thereof (*Effective July*
824 *1, 2009*):

825 (e) For the purposes of this section "municipality" means any town,
826 city, borough, consolidated town and city, consolidated town and
827 borough, district, [district] regional department of health, or authority
828 established by the general statutes, a special act or local law, ordinance
829 or charter or any public agency.

830 Sec. 33. Subdivision (1) of section 7-425 of the general statutes is
831 repealed and the following is substituted in lieu thereof (*Effective July*
832 *1, 2009*):

833 (1) "Municipality" means any town, city, borough, school district,
834 regional school district, taxing district, fire district, [district] regional
835 department of health, probate district, housing authority, regional
836 work force development board established under section 31-3k,
837 regional emergency telecommunications center, tourism district
838 established under section 10-397, flood commission or authority

839 established by special act or regional planning agency.

840 Sec. 34. Subdivision (3) of section 7-425 of the general statutes is
841 repealed and the following is substituted in lieu thereof (*Effective July*
842 *1, 2009*):

843 (3) "Legislative body" means, for towns having a town council, the
844 council; for other towns, the selectmen; for cities, the common council
845 or other similar body of officials; for boroughs, the warden and
846 burgesses; for regional school districts, the regional board of
847 education; for [district] regional departments of health, the board of
848 the district; for probate districts, the judge of probate; for regional
849 planning agencies, the regional planning board; for regional
850 emergency telecommunications center, a representative board; for
851 tourism districts, the board of directors of such tourism district; and in
852 all other cases the body authorized by the general statutes or by special
853 act to make ordinances for the municipality.

854 Sec. 35. Subsection (a) of section 7-427 of the general statutes is
855 repealed and the following is substituted in lieu thereof (*Effective July*
856 *1, 2009*):

857 (a) Any municipality except a housing authority, which is governed
858 by subsection (b) of this section or a regional work force development
859 board established under section 31-3k, which is governed by section 7-
860 427a, may, by resolution passed by its legislative body and subject to
861 such referendum as may be hereinafter provided, accept this part as to
862 any department or departments of such municipality as may be
863 designated therein, including elective officers if so specified, free
864 public libraries which receive part or all of their income from
865 municipal appropriation, and the redevelopment agency of such
866 municipality whether or not such municipality is a member of the
867 system, as defined in section 7-452, but such acceptance shall not
868 repeal, amend or replace, or affect the continuance of, any pension
869 system established in such municipality by or under the authority of
870 any special act and all such special acts shall remain in full force and

871 effect until repealed or amended by the General Assembly or as
872 provided by chapter 99. The acceptance of this part as to any
873 department or departments of a municipality shall not affect the right
874 of such municipality to accept it in the future as to any other
875 department or departments. In any municipality other than a [district]
876 regional department of health, housing authority, flood commission or
877 authority, regional planning agency or supervision district board of
878 education, such resolution shall not take effect until it has been
879 approved by a majority of the electors of the municipality voting
880 thereon at the next regular election or meeting or at a special election
881 or meeting called for the purpose. The effective date of participation
882 shall be at least ninety days subsequent to the receipt by the
883 Retirement Commission of the certified copy of such resolution. The
884 Retirement Commission shall furnish to any municipality
885 contemplating acceptance of this part, at the expense of such
886 municipality, an estimate of the probable cost to such municipality of
887 such acceptance as to any department or departments thereof.

888 Sec. 36. Subdivision (1) of section 7-452 of the general statutes is
889 repealed and the following is substituted in lieu thereof (*Effective July*
890 *1, 2009*):

891 (1) "Municipality" means any town, consolidated town and city,
892 consolidated town and borough, borough, fire district, school district,
893 [district] regional department of health, regional planning agency,
894 probate district, housing authority, flood commission or authority
895 established by special act or other municipal association created by
896 special law or by general law or an instrumentality of any of these, if
897 such instrumentality is a distinct juristic entity legally separate from
898 any of the above and its employees are not, through this relation,
899 employees of one of the above.

900 Sec. 37. Subdivision (4) of section 7-452 of the general statutes is
901 repealed and the following is substituted in lieu thereof (*Effective July*
902 *1, 2009*):

903 (4) "Legislative body", unless otherwise provided by special act or
904 by charter adopted under the provisions of chapter 99, as applied to
905 unconsolidated towns, means the town meeting; as applied to cities
906 and to consolidated towns and cities, means the board of aldermen,
907 council or other body charged with the duty of making annual
908 appropriations; as applied to boroughs and consolidated towns and
909 boroughs, means the board of burgesses; as applied to fire districts,
910 means the district meeting; as applied to [district] regional
911 departments of health, means the district board; as applied to probate
912 districts, means the judge of probate; as applied to regional planning
913 agencies, means the regional planning board, and, in all other cases,
914 means the body authorized by the general statutes or by special act to
915 make bylaws or ordinances for the municipality.

916 Sec. 38. Subsection (b) of section 7-465 of the general statutes is
917 repealed and the following is substituted in lieu thereof (*Effective July*
918 *1, 2009*):

919 (b) Each town, city or borough which has joined with other towns,
920 cities or boroughs to form a [district] regional department of health,
921 pursuant to chapter 368f, or a regional planning agency, pursuant to
922 chapter 127, shall jointly assume the liability imposed upon any officer,
923 agent or employee of such [district] regional department of health or
924 such regional planning agency, acting in the performance of his duties
925 and in the scope of his employment, under, and in the manner and in
926 accordance with the procedures set forth in, subsection (a) of this
927 section. Such joint assumption of liability shall be proportionately
928 shared by the towns, cities and boroughs in such [district] region or
929 regional planning agency, on the same basis that the expenses of such
930 [district] region are shared as determined under section 19a-243, as
931 amended by this act, or such regional planning agency as determined
932 under section 8-34a.

933 Sec. 39. Section 7-467 of the general statutes is repealed and the
934 following is substituted in lieu thereof (*Effective July 1, 2009*):

935 When used in sections 7-467 to 7-477, inclusive:

936 (1) "Municipal employer" means any political subdivision of the
937 state, including any town, city, borough, district, [district] regional
938 department of health, school board, housing authority or other
939 authority established by law, a private nonprofit corporation which
940 has a valid contract with any town, city, borough, [or] district or region
941 to extinguish fires and to protect its inhabitants from loss by fire, and
942 any person or persons designated by the municipal employer to act in
943 its interest in dealing with municipal employees;

944 (2) "Employee" means any employee of a municipal employer,
945 whether or not in the classified service of the municipal employer,
946 except elected officials, administrative officials, board and commission
947 members, certified teachers, part-time employees who work less than
948 twenty hours per week on a seasonal basis, department heads and
949 persons in such other positions as may be excluded from coverage
950 under sections 7-467 to 7-477, inclusive, in accordance with subdivision
951 (2) of section 7-471;

952 (3) "Seasonal basis" means working for a period of not more than
953 one hundred twenty calendar days in any calendar year;

954 (4) "Department head" means an employee who heads any
955 department in a municipal organization, has substantial supervisory
956 control of a permanent nature over other municipal employees, and is
957 directly accountable to the board of selectmen of a town, city or
958 borough not having a charter or special act form of government, or to
959 the chief executive officer of any other town, city or borough;

960 (5) "Department" means any major functional division in a
961 municipal organization, notwithstanding the provisions of any charter
962 or special act to the contrary;

963 (6) "Employee organization" means any lawful association, labor
964 organization, federation or council having as a primary purpose the
965 improvement of wages, hours and other conditions of employment

966 among employees of municipal employers.

967 Sec. 40. Section 7-479 of the general statutes is repealed and the
968 following is substituted in lieu thereof (*Effective July 1, 2009*):

969 For the purposes of this section, "municipality" means any town,
970 city, borough, school district, taxing district, fire district, [district]
971 regional department of health, probate district, housing authority,
972 flood commission or authority established by special act or regional
973 planning agency. Any municipality, in addition to such powers as it
974 has under the provisions of the general statutes or any special act,
975 may, by ordinance or regulation, prohibit any member or employee of
976 any municipal board or agency, or any official, officer or employee of
977 such municipality from (1) being financially interested, or having any
978 personal beneficial interest, either directly or indirectly, in any contract
979 or purchase order for any supplies, materials, equipment or
980 contractual services furnished to or used by any such municipality,
981 board or agency and (2) accepting or receiving, directly or indirectly,
982 from any person, firm or corporation to which any contract or
983 purchase order may be awarded by such municipality, by rebate, gifts
984 or otherwise, any money, or anything of value whatsoever, or any
985 promise, obligation or contract for future reward or compensation.
986 Such municipalities may prescribe penalties for the violation of any
987 ordinance or regulation enacted pursuant to this section, including the
988 voidance of any municipal purchase, contract or ruling adopted in
989 contravention thereof.

990 Sec. 41. Section 7-479a of the general statutes is repealed and the
991 following is substituted in lieu thereof (*Effective July 1, 2009*):

992 For the purposes of this chapter:

993 (a) "Local public agency" means any political subdivision of the
994 state, including any city, town or borough or any district as defined in
995 section 7-324 or any metropolitan district or any municipal district
996 created under section 7-330, or other district, [district] regional

997 department of health, school board, housing authority or other
998 authority established by law.

999 (b) "Interlocal risk management program" means a plan and
1000 activities carried out under such plan by an interlocal risk management
1001 agency to reduce risk of loss on account of one or more of the
1002 following: Public liability, worker's compensation liability, automobile
1003 risks, or property perils and losses in excess of retentions, including
1004 safety engineering and other loss prevention and control techniques
1005 and to administer one or more interlocal risk management pools,
1006 including the processing and defense of claims brought against
1007 members of the agency.

1008 (c) "Interlocal risk management agency" means an association
1009 formed by two or more local public agencies for the development and
1010 administration of an interlocal risk management program, an interlocal
1011 public liability, automobile and property risk management pool, an
1012 interlocal workers' compensation risk management pool, or an
1013 interlocal excess risk management pool.

1014 (d) "Interlocal public liability, automobile and property risk
1015 management pool" means a fund of public moneys established by an
1016 interlocal risk management agency from contributions of its members
1017 in order to pool such risks, other than workers' compensation risks, as
1018 it may determine shall be pooled, jointly purchase insurance and
1019 administer an interlocal risk management agency. Risks which may be
1020 pooled include, but are not limited to: Public liability; automobile
1021 liability, including liability to pay basic reparation benefits; automobile
1022 collision and losses customarily covered by the comprehensive
1023 coverage provisions of automobile insurance policies; and property
1024 perils.

1025 (e) "Interlocal workers' compensation risk management pool" means
1026 a fund of public moneys established by an interlocal risk management
1027 agency from contributions of its members in order to pool workers'
1028 compensation risks, jointly purchase workers' compensation insurance

1029 and administer an interlocal risk management agency. An interlocal
1030 workers' compensation risk management pool may also pool
1031 hypertension and heart disease risks pursuant to subsection (b) of
1032 sections 7-479e and 7-479f.

1033 (f) "Interlocal excess risk management pool" means a fund of public
1034 moneys established by an interlocal risk management agency from
1035 contributions of its members or of one or more other interlocal risk
1036 management pools, in order to (1) pool risks of loss in excess of such
1037 loss retentions as may be determined by the agency, (2) jointly
1038 purchase reinsurance, and (3) administer an interlocal risk
1039 management agency.

1040 (g) "Interlocal risk management pool" refers to interlocal public
1041 liability, automobile and property risk management pools, interlocal
1042 workers' compensation risk management pools, and interlocal excess
1043 risk management pools.

1044 (h) "Public liability" means any noncontractual liability to which a
1045 local public agency may be subject.

1046 (i) "Municipality" means a city or town.

1047 Sec. 42. Section 10-204c of the general statutes is repealed and the
1048 following is substituted in lieu thereof (*Effective July 1, 2009*):

1049 No municipality, [district health department] regional department
1050 of health or local or regional board of education which causes an
1051 immunization required by state law to be administered shall be liable
1052 for civil damages resulting from an adverse reaction to a nondefective
1053 vaccine.

1054 Sec. 43. Section 12-146a of the general statutes is repealed and the
1055 following is substituted in lieu thereof (*Effective July 1, 2009*):

1056 Any municipality, as defined in subsection (a) of section 12-41, or
1057 any [district health department] regional department of health, formed

1058 under chapter 368f, may withhold or revoke any license or permit,
1059 issued by such municipality or [district health department] regional
1060 department of health, to operate a business enterprise if any taxes
1061 levied by such municipality or, in the case of a [district] regional
1062 department of health, by any constituent municipality of such [district]
1063 region, against personal property used in such business enterprise are
1064 delinquent and have been so delinquent for a period of not less than
1065 one year.

1066 Sec. 44. Subsection (b) of section 19a-92g of the general statutes is
1067 repealed and the following is substituted in lieu thereof (*Effective July*
1068 *1, 2009*):

1069 (b) Any municipal health authority established under chapter 368e
1070 and any [district] regional department of health established under
1071 chapter 368f may, within its available resources, enforce the provisions
1072 of this section.

1073 Sec. 45. Subsection (c) of section 19a-111a of the general statutes is
1074 repealed and the following is substituted in lieu thereof (*Effective July*
1075 *1, 2009*):

1076 (c) Within available appropriations, the commissioner may contract
1077 with individuals, groups or agencies for the provision of necessary
1078 services and enter into assistance agreements with municipalities,
1079 cities, boroughs or [district] regional departments of health or special
1080 service districts for the development and implementation of
1081 comprehensive lead poisoning prevention programs consistent with
1082 the provisions of sections 19a-110 to 19a-111c, inclusive.

1083 Sec. 46. Section 19a-252 of the general statutes is repealed and the
1084 following is substituted in lieu thereof (*Effective July 1, 2009*):

1085 The Department of Public Health is designated as the state agency
1086 to administer and distribute state funds to be used for the control of
1087 lung diseases, including tuberculosis, within the state. The director of
1088 health of any town or of any [district] regional department of health or

1089 any nonprofit corporation may apply to said department for funds to
1090 be used to assist in establishing, maintaining or expanding services for
1091 treatment or control of lung diseases within the state.

1092 Sec. 47. Subsection (j) of section 22a-66a of the general statutes is
1093 repealed and the following is substituted in lieu thereof (*Effective July*
1094 *1, 2009*):

1095 (j) The Commissioner of Public Health, prior to spraying a seasonal
1096 larvicide for mosquito control, shall cause to be published in a
1097 newspaper of general circulation in the area of the spraying notice of
1098 such spraying. The Commissioner of Public Health or any municipal
1099 or [district] regional health department, prior to adulticide spraying
1100 for mosquito control, shall post a sign in the area of such spraying
1101 notifying the public of the spraying.

1102 Sec. 48. Subsection (e) of section 25-33 of the general statutes is
1103 repealed and the following is substituted in lieu thereof (*Effective July*
1104 *1, 2009*):

1105 (e) Each water company shall maintain (1) a list of the names and
1106 addresses of its customers, and (2) the results of water purity tests
1107 conducted under this chapter. Such list and results shall be retained for
1108 a period of three years and be available for inspection and copying by
1109 the Department of Public Health and municipal and [district] regional
1110 health departments, for the purpose of public health investigations.

1111 Sec. 49. Section 25-130 of the general statutes is repealed and the
1112 following is substituted in lieu thereof (*Effective July 1, 2009*):

1113 Before commencing work on any water-supply well, the registered
1114 well driller shall apply to the board for a permit to drill such well. A
1115 fee of five dollars shall accompany such application. If the water-
1116 supply well conforms to the Well Drilling Code, as from time to time
1117 amended, the board shall issue such permit which shall contain the
1118 name and address of the well driller, the date of issuance and the
1119 specific location of the well. The driller shall then submit the permit

1120 with a fee to be determined by the legislative body of a town, city or
1121 borough or the board of a [district] regional department of health, as
1122 the case may be, to the local director of health or his agent who shall
1123 sign such permit if said proposed water-supply well conforms to the
1124 Public Health Code. No water-supply well shall be drilled until such a
1125 permit is issued and countersigned and until the driller has informed
1126 his client, in writing, that well drilling is subject to regulation by the
1127 Department of Consumer Protection and that complaints may be
1128 directed to that department.

1129 Sec. 50. Subsection (a) of section 31-48b of the general statutes is
1130 repealed and the following is substituted in lieu thereof (*Effective July*
1131 *1, 2009*):

1132 (a) For purposes of this section, "employer" means the owner or
1133 owners in the case of an unincorporated business, the partners in the
1134 case of a partnership, the officers in the case of a corporation or in the
1135 case of the state, any town, city or borough, or district, local or regional
1136 board of education, or housing authority or [district] regional
1137 department of health, the chief executive officer thereof.

1138 Sec. 51. (NEW) (*Effective from passage*) Notwithstanding the
1139 provisions of section 4a-12 of the general statutes, the Commissioner of
1140 Mental Health and Addiction Services, after consultation with the
1141 Commissioner of Administrative Services, may bill or enter into a
1142 contract with a private entity to bill a Medicare Part D Plan for the cost
1143 of prescriptions provided to individuals served by the Department of
1144 Mental Health and Addiction Services. The Commissioner of Mental
1145 Health and Addiction Services may also enter into agreements and
1146 other contractual arrangements, that include negotiated
1147 reimbursement rates for Medicare Part D Plans, for the support of
1148 persons aided, cared for or treated by the Department of Mental
1149 Health and Addiction Services.

1150 Sec. 52. Subsection (b) of section 17a-22j of the general statutes is
1151 repealed and the following is substituted in lieu thereof (*Effective from*

1152 *passage*):

1153 (b) The council shall consist of the following members:

1154 (1) Four appointed by the speaker of the House of Representatives;
1155 two of whom are representatives of general or specialty psychiatric
1156 hospitals; one of whom is an adult with a psychiatric disability; and
1157 one of whom is an advocate for adults with psychiatric disabilities;

1158 (2) Four appointed by the president pro tempore of the Senate, two
1159 of whom are parents of children who have a behavioral health
1160 disorder or have received child protection or juvenile justice services
1161 from the Department of Children and Families; one of whom has
1162 expertise in health policy and evaluation; and one of whom is an
1163 advocate for children with behavioral health disorders;

1164 (3) Two appointed by the majority leader of the House of
1165 Representatives; one of whom is a primary care provider serving
1166 children pursuant to the HUSKY Plan; and one of whom is a child
1167 psychiatrist serving children pursuant to the HUSKY Plan;

1168 (4) Two appointed by the majority leader of the Senate; one of
1169 whom is either an adult with a substance use disorder or an advocate
1170 for adults with substance use disorders; and one of whom is a
1171 representative of school-based health clinics;

1172 (5) Two appointed by the minority leader of the House of
1173 Representatives; one of whom is a provider of community-based
1174 behavioral health services for adults; and one of whom is a provider of
1175 residential treatment for children;

1176 (6) Two appointed by the minority leader of the Senate; one of
1177 whom is a provider of community-based services for children with
1178 behavioral health problems; and one of whom is a member of the
1179 advisory council on Medicaid managed care;

1180 (7) Four appointed by the Governor; two of whom are

1181 representatives of general or specialty psychiatric hospitals and two of
1182 whom are parents of children who have a behavioral health disorder
1183 or have received child protection or juvenile justice services from the
1184 Department of Children and Families;

1185 (8) The chairpersons and ranking members of the joint standing
1186 committees of the General Assembly having cognizance of matters
1187 relating to human services, public health, appropriations and the
1188 budgets of state agencies, or their designees;

1189 [(9) A member of the Community Mental Health Strategy Board,
1190 established pursuant to section 17a-485b, as selected by said board;]

1191 [(10)] (9) The Commissioner of Mental Health and Addiction
1192 Services, or said commissioner's designee;

1193 [(11)] (10) Seven nonvoting ex-officio members, one each appointed
1194 by the Commissioners of Social Services, Children and Families,
1195 Mental Health and Addiction Services and Education to represent his
1196 or her department and one appointed by the State Comptroller, the
1197 Secretary of the Office of Policy and Management and the Office of
1198 Health Care Access to represent said offices;

1199 [(12)] (11) One or more consumers appointed by the chairpersons of
1200 the council, to be nonvoting ex-officio members; and

1201 [(13)] (12) One representative from the administrative services
1202 organization and from each Medicaid managed care organization, to
1203 be nonvoting ex-officio members.

1204 Sec. 53. Section 17a-22aa of the general statutes is repealed and the
1205 following is substituted in lieu thereof (*Effective from passage*):

1206 The Commissioner of Children and Families, in consultation with
1207 the Commissioner of Mental Health and Addiction Services, [and the
1208 Community Mental Health Strategy Board, established under section
1209 17a-485b,] shall, within available appropriations, maintain the

1210 availability of flexible emergency funding for children with psychiatric
1211 disabilities who are not under the supervision of the Department of
1212 Children and Families.

1213 Sec. 54. Section 17b-602a of the general statutes is repealed and the
1214 following is substituted in lieu thereof (*Effective from passage*):

1215 (a) The Department of Social Services, in consultation with the
1216 Department of Mental Health and Addiction Services, [and the
1217 Community Mental Health Strategy Board established under section
1218 17a-485b,] may seek approval of an amendment to the state Medicaid
1219 plan or a waiver from federal law, whichever is sufficient and most
1220 expeditious, to establish and implement a Medicaid-financed home
1221 and community-based program to provide community-based services
1222 and, if necessary, housing assistance, to adults with severe and
1223 persistent psychiatric disabilities being discharged or diverted from
1224 nursing home residential care.

1225 (b) On or before January 1, 2007, and annually thereafter, the
1226 Commissioner of Social Services, in consultation with the
1227 Commissioner of Mental Health and Addiction Services, shall submit a
1228 report to the joint standing committee of the General Assembly having
1229 cognizance of matters relating to public health, in accordance with the
1230 provisions of section 11-4a, on the status of any amendment to the state
1231 Medicaid plan or waiver from federal law pursuant to subsection (a) of
1232 this section and on the establishment and implementation of the
1233 program authorized under said subsection (a).

1234 Sec. 55. Section 54-56g of the general statutes is repealed and the
1235 following is substituted in lieu thereof (*Effective July 1, 2009*):

1236 (a) There shall be a pretrial alcohol education [system] program for
1237 persons charged with a violation of section 14-227a, 14-227g, 15-133,
1238 15-140/ or 15-140n. Upon application by any such person for
1239 participation in such system and payment to the court of an
1240 application fee of [fifty] one hundred dollars and a nonrefundable

1241 evaluation fee of one hundred dollars, the court shall, but only as to
1242 the public, order the court file sealed, provided such person states
1243 under oath, in open court or before any person designated by the clerk
1244 and duly authorized to administer oaths, under penalties of perjury
1245 that: (1) If such person is charged with a violation of section 14-227a,
1246 such person has not had such system invoked in such person's behalf
1247 within the preceding ten years for a violation of section 14-227a, (2) if
1248 such person is charged with a violation of section 14-227g, such person
1249 has never had such system invoked in such person's behalf for a
1250 violation of section 14-227a or 14-227g, (3) such person has not been
1251 convicted of a violation of section 53a-56b or 53a-60d, a violation of
1252 subsection (a) of section 14-227a before or after October 1, 1981, or a
1253 violation of subdivision (1) or (2) of subsection (a) of section 14-227a on
1254 or after October 1, 1985, and (4) such person has not been convicted in
1255 any other state at any time of an offense the essential elements of
1256 which are substantially the same as section 53a-56b or 53a-60d or
1257 subdivision (1) or (2) of subsection (a) of section 14-227a. Unless good
1258 cause is shown, a person shall be ineligible for participation in such
1259 pretrial alcohol education system if such person's alleged violation of
1260 section 14-227a or 14-227g caused the serious physical injury, as
1261 defined in section 53a-3, of another person. The application fee
1262 imposed by this subsection shall be credited to the Criminal Injuries
1263 Compensation Fund established by section 54-215. The evaluation fee
1264 shall be credited to the pretrial account established under section 54-
1265 56k, as amended by this act.

1266 (b) The court, after consideration of the recommendation of the
1267 state's attorney, assistant state's attorney or deputy assistant state's
1268 attorney in charge of the case, may, in its discretion, grant such
1269 application. If the court grants such application, it shall refer such
1270 person to the Court Support Services Division for assessment and
1271 confirmation of the eligibility of the applicant and to the Department
1272 of Mental Health and Addiction Services for evaluation. The Court
1273 Support Services Division, in making its assessment and confirmation,
1274 may rely on the representations made by the applicant under oath in

1275 open court with respect to convictions in other states of offenses
1276 specified in subsection (a) of this section. Upon confirmation of
1277 eligibility and receipt of the evaluation report, the defendant shall be
1278 referred to the Department of Mental Health and Addiction Services
1279 by the Court Support Services Division for placement in an
1280 appropriate alcohol intervention program for one year, or be placed in
1281 a state-licensed substance abuse treatment program. The alcohol
1282 intervention program shall include a ten-session intervention program
1283 and a fifteen-session intervention program. Any person who enters the
1284 system shall agree: (1) To the tolling of the statute of limitations with
1285 respect to such crime, (2) to a waiver of such person's right to a speedy
1286 trial, (3) to complete ten or fifteen counseling sessions in an alcohol
1287 intervention program or successfully complete a substance abuse
1288 treatment program of not less than twelve sessions pursuant to this
1289 section dependent upon the evaluation report and the court order, (4)
1290 to commence participation in an alcohol intervention program or
1291 substance abuse treatment program not later than ninety days after the
1292 date of entry of the court order unless granted a delayed entry into a
1293 program by the court, (5) upon completion of participation in the
1294 alcohol intervention program, to accept placement in a treatment
1295 program upon recommendation of a provider under contract with the
1296 Department of Mental Health and Addiction Services pursuant to
1297 subsection [(d)] (f) of this section or placement in a state-licensed
1298 treatment program which meets standards established by the
1299 Department of Mental Health and Addiction Services, if the Court
1300 Support Services Division deems it appropriate, and [(5)] (6) if ordered
1301 by the court, to participate in at least one victim impact panel. The
1302 suspension of the motor vehicle operator's license of any such person
1303 pursuant to section 14-227b shall be effective during the period such
1304 person is participating in such program, provided such person shall
1305 have the option of not commencing the participation in such program
1306 until the period of such suspension is completed. If the Court Support
1307 Services Division informs the court that the defendant is ineligible for
1308 the system and the court makes a determination of ineligibility or if the
1309 program provider certifies to the court that the defendant did not

1310 successfully complete the assigned program or is no longer amenable
1311 to treatment and such person does not pursue, or the court denies,
1312 program reinstatement under subsection (e) of this section, the court
1313 shall order the court file to be unsealed, enter a plea of not guilty for
1314 such defendant and immediately place the case on the trial list. If such
1315 defendant satisfactorily completes the assigned program, such
1316 defendant may apply for dismissal of the charges against such
1317 defendant and the court, on reviewing the record of the defendant's
1318 participation in such program submitted by the Court Support
1319 Services Division and on finding such satisfactory completion, shall
1320 dismiss the charges. If the defendant does not apply for dismissal of
1321 the charges against such defendant after satisfactorily completing the
1322 assigned program the court, upon receipt of the record of the
1323 defendant's participation in such program submitted by the Court
1324 Support Services Division, may on its own motion make a finding of
1325 such satisfactory completion and dismiss the charges. Upon motion of
1326 the defendant and a showing of good cause, the court may extend the
1327 one-year placement period for a reasonable period for the defendant to
1328 complete the assigned program. A record of participation in such
1329 program shall be retained by the Court Support Services Division for a
1330 period of [seven] ten years from the date of application. The Court
1331 Support Services Division shall transmit to the Department of Motor
1332 Vehicles a record of participation in such program for each person who
1333 satisfactorily completes such program. The Department of Motor
1334 Vehicles shall maintain for a period of [seven] ten years the record of a
1335 person's participation in such program as part of such person's driving
1336 record. The Court Support Services Division shall transmit to the
1337 Department of Environmental Protection the record of participation of
1338 any person who satisfactorily completes such program who has been
1339 charged with a violation of the provisions of section 15-133, 15-140l or
1340 15-140n. The Department of Environmental Protection shall maintain
1341 for a period of [seven] ten years the record of a person's participation
1342 in such program as a part of such person's boater certification record.

1343 (c) At the time the court grants the application for participation in

1344 the alcohol intervention program, such person shall also pay to the
1345 court a nonrefundable program fee of three hundred [twenty-five] fifty
1346 dollars if such person is ordered to participate in the ten-session
1347 program and a nonrefundable program fee of five hundred dollars if
1348 such person is ordered to participate in the fifteen-session program. If
1349 the court grants participation in a treatment program, such person
1350 shall be responsible for the costs associated with participation in such
1351 program. No person may be excluded from either program for
1352 inability to pay such fee or cost, provided (1) such person files with the
1353 court an affidavit of indigency or inability to pay, (2) such indigency or
1354 inability to pay is confirmed by the Court Support Services Division,
1355 and (3) the court enters a finding thereof. If the court finds that a
1356 person is indigent or unable to pay for a treatment program, the costs
1357 of such program shall be paid for from the pretrial account established
1358 under section 54-56k. If the court denies the application, such person
1359 shall not be required to pay the program fee. If the court grants the
1360 application, and such person is later determined to be ineligible for
1361 participation in such pretrial alcohol education system or fails to
1362 complete the assigned program, the program fee shall not be refunded.
1363 All [such evaluation and] program fees shall be credited to the pretrial
1364 account established under section 54-56k.

1365 (d) If a person returns to court with certification from a program
1366 provider that such person did not successfully complete the assigned
1367 program or is no longer amenable to treatment, the provider, to the
1368 extent practicable, shall include a recommendation to the court as to
1369 whether a ten-session intervention program, a fifteen-session program
1370 or placement in a state-licensed alcohol treatment program would best
1371 serve such person's needs. The provider shall also indicate whether the
1372 current program referral was an initial referral or a reinstatement to
1373 the program.

1374 (e) When a person subsequently requests reinstatement into an
1375 intervention or treatment program and the Court Support Services
1376 Division verifies that such person is eligible for reinstatement into such

1377 program and thereafter the court favorably acts on such request, such
1378 person shall pay a nonrefundable fee of one hundred seventy-five
1379 dollars if ordered to complete a ten-session intervention program or
1380 two hundred fifty dollars if ordered to complete a fifteen-session
1381 intervention program, as the case may be. Unless good cause is shown,
1382 such fees shall not be waived. If the court grants a person's request to
1383 be reinstated into a treatment program, such person shall be
1384 responsible for the costs, if any, associated with being reinstated into
1385 the treatment program. All fees collected in connection with a
1386 reinstatement to an intervention program shall be credited to the
1387 pretrial account established under 54-56k. No person shall be
1388 permitted more than two program reinstatements pursuant to this
1389 subsection.

1390 [(d)] (f) The Department of Mental Health and Addiction Services
1391 shall contract with service providers, develop standards and oversee
1392 appropriate alcohol programs to meet the requirements of this section.
1393 Said department shall adopt regulations in accordance with chapter 54
1394 to establish standards for such alcohol programs. Any person ordered
1395 to participate in a treatment program shall do so at a state-licensed
1396 treatment program which meets the standards established by said
1397 department. Any defendant whose employment or residence makes it
1398 unreasonable to attend an alcohol intervention program or a treatment
1399 program in this state may attend a program in another state which has
1400 standards substantially similar to, or higher than, those of this state,
1401 subject to the approval of the court and payment of the application,
1402 evaluation and program fees, as appropriate, as provided in this
1403 section.

1404 [(e)] (g) The court may, as a condition of granting such application,
1405 require that such person participate in a victim impact panel program
1406 approved by the Court Support Services Division of the Judicial
1407 Department. Such victim impact panel program shall provide a
1408 nonconfrontational forum for the victims of alcohol-related or drug-
1409 related offenses and offenders to share experiences on the impact of

1410 alcohol-related or drug-related incidents in their lives. Such victim
1411 impact panel program shall be conducted by a nonprofit organization
1412 that advocates on behalf of victims of accidents caused by persons who
1413 operated a motor vehicle while under the influence of intoxicating
1414 liquor or any drug, or both. Such organization may assess a
1415 participation fee of not more than seventy-five dollars on any person
1416 required by the court to participate in such program, provided such
1417 organization shall offer a hardship waiver when it has determined that
1418 the imposition of a fee would pose an economic hardship for such
1419 person.

1420 [(f)] (h) The provisions of this section shall not be applicable in the
1421 case of any person charged with a violation of section 14-227a while
1422 operating a commercial motor vehicle, as defined in section 14-1.

1423 Sec. 56. Section 54-56i of the general statutes is repealed and the
1424 following is substituted in lieu thereof (*Effective July 1, 2009*):

1425 (a) [Not later than January 1, 1998, the Department of Mental Health
1426 and Addiction Services shall establish] There is established a pretrial
1427 [drug] substance abuse education program for persons charged with a
1428 violation of section 21a-267, [or] 21a-279 or subsection (a) or (b) of
1429 section 30-89. The substance abuse education program shall include a
1430 ten-session substance abuse intervention program, a fifteen-session
1431 substance abuse intervention program and a substance abuse
1432 treatment program. The substance abuse education program shall be a
1433 successor program to the pretrial drug education program.

1434 (b) Upon application by any such person for participation in [such]
1435 the substance abuse education program and payment to the court of an
1436 application fee of one hundred dollars and a nonrefundable evaluation
1437 fee of one hundred dollars, the court shall, but only as to the public,
1438 order the court file sealed provided such person states under oath, in
1439 open court or before any person designated by the clerk and duly
1440 authorized to administer oaths, under penalties of perjury, that such
1441 person has never had such program invoked in such person's behalf. A

1442 person shall be ineligible for participation in such pretrial drug
1443 education program if such person has previously participated in the
1444 drug education program established under this section or the pretrial
1445 community service labor program established under section 53a-39c.
1446 On and after July 1, 2009, a person shall be ineligible for participation
1447 in the substance abuse education program if such person has
1448 participated in the community service labor program, established
1449 under section 53a-39c, the pretrial drug education program or the
1450 substance abuse education program. The evaluation and application
1451 fee required pursuant to this subsection shall be credited to the pretrial
1452 account established under section 54-56k, as amended by this act.

1453 (c) The court, after consideration of the recommendation of the
1454 state's attorney, assistant state's attorney or deputy assistant state's
1455 attorney in charge of the case, may, in its discretion, grant such
1456 application. If the court grants such application, [it] the court shall
1457 refer such person to the Court Support Services Division for
1458 confirmation of the eligibility of the applicant and to the Department
1459 of Mental Health and Addiction Services for evaluation.

1460 (d) Upon confirmation of eligibility and receipt of the evaluation
1461 required pursuant to subsection (c), such person shall be referred to
1462 the Department of Mental Health and Addiction Services by the Court
1463 Support Services Division for placement in [the drug education
1464 program] the substance abuse education program. Participants in the
1465 substance abuse education program shall receive appropriate
1466 substance abuse intervention services or substance abuse treatment
1467 program services, as recommended by the evaluation conducted
1468 pursuant to subsection (c) of this section, and ordered by the court.
1469 Placement in the substance abuse education program pursuant shall
1470 not exceed one year. Persons receiving substance abuse treatment
1471 program services in accordance with the provisions of this section shall
1472 only receive such services at state licensed substance abuse treatment
1473 program facilities that are in compliance with all state standards
1474 governing the operation of such facilities. Any person who enters the

1475 program shall agree: (1) To the tolling of the statute of limitations with
1476 respect to such crime; (2) to a waiver of such person's right to a speedy
1477 trial; (3) [to any conditions that may be established by the department
1478 concerning participation in the drug education program including
1479 conditions concerning participation in meetings or sessions of the
1480 program] to complete participation in the ten-session substance abuse
1481 intervention program, fifteen-session substance abuse intervention
1482 program or substance abuse treatment program, as recommended by
1483 the evaluation conducted pursuant to subsection (c) of this section, and
1484 ordered by the court; (4) to commence participation in the substance
1485 abuse education program not later than ninety days after the date of
1486 entry of the court order unless granted a delayed entry into the
1487 program by the court; and [(4)] (5) upon completion of participation in
1488 the pretrial substance abuse education program, to accept placement in
1489 a treatment program upon the recommendation of a provider under
1490 contract with the Department of Mental Health and Addiction Services
1491 or placement in a treatment program that has standards substantially
1492 similar to, or higher than, a program of a provider under contract with
1493 the Department of Mental Health and Addiction Services if the Court
1494 Support Services Division deems it appropriate. The department shall
1495 require as a condition of [the assigned program, that such person
1496 participate in, and successfully complete, a community service labor
1497 program established under section 53a-39c for a period of four days]
1498 participation in the substance abuse education program that any
1499 person participating in the ten-session substance abuse intervention
1500 program or the substance abuse treatment program also participate in
1501 the community service labor program, established pursuant to section
1502 53a-39c, for not less than five days; and that any person participating
1503 in the fifteen-session substance abuse intervention program also
1504 participate in said community service labor program, for not less than
1505 ten days.

1506 (e) If the Court Support Services Division informs the court that
1507 such person is ineligible for the program and the court makes a
1508 determination of ineligibility or if the program provider certifies to the

1509 court that such person did not successfully complete the assigned
1510 program and such person did not pursue or the court denied
1511 reinstatement in the program under subsection (i) of this section, the
1512 court shall order the court file to be unsealed, enter a plea of not guilty
1513 for such person and immediately place the case on the trial list.

1514 (f) If such person satisfactorily completes the assigned program,
1515 such person may apply for dismissal of the charges against such
1516 person and the court, on reviewing the record of such person's
1517 participation in such program submitted by the Court Support
1518 Services Division and on finding such satisfactory completion, shall
1519 dismiss the charges. If such person does not apply for dismissal of the
1520 charges against such person after satisfactorily completing the
1521 assigned program, the court, upon receipt of the record of such
1522 person's participation in such program submitted by the Court
1523 Support Services Division, may on its own motion make a finding of
1524 such satisfactory completion and dismiss the charges. Upon motion of
1525 such person and a showing of good cause, the court may extend the
1526 placement period for a reasonable period for such person to complete
1527 the assigned program. A record of participation in such program shall
1528 be retained by the Court Support Services Division for a period of
1529 [seven] ten years from the date of application.

1530 (g) At the time the court grants the application for participation in
1531 the pretrial [drug] substance abuse education program, such person
1532 shall pay to the court a nonrefundable program fee of three hundred
1533 fifty dollars [, except that no] if such person is ordered to participate in
1534 the ten-session substance abuse intervention program or five hundred
1535 dollars if such person is ordered to participate in the fifteen-session
1536 substance abuse intervention. If the court orders participation in a
1537 substance abuse treatment program, such person shall be responsible
1538 for the costs associated with such program. No person may be
1539 excluded from any such program for inability to pay such fee,
1540 provided (1) such person files with the court an affidavit of indigency
1541 or inability to pay, (2) such indigency or inability to pay is confirmed

1542 by the Court Support Services Division, and (3) the court enters a
1543 finding thereof. The court may waive all or any portion of such fee
1544 depending on such person's ability to pay. If the court denies the
1545 application, such person shall not be required to pay the program fee.
1546 If the court grants the application, and such person is later determined
1547 to be ineligible for participation in such pretrial [drug] substance abuse
1548 education program or fails to complete the assigned program, the
1549 [three-hundred-fifty-dollar] program [fee] fees shall not be refunded.
1550 All such program fees shall be credited to the pretrial account
1551 established under section 54-56k, as amended by this act.

1552 (h) If a person returns to court with certification from a program
1553 provider that such person did not successfully complete the assigned
1554 program or is no longer amenable to treatment, the provider, to the
1555 extent practicable, shall include a recommendation to the court as to
1556 whether a ten-session substance abuse intervention program, a fifteen-
1557 session substance abuse program or placement in a substance abuse
1558 treatment program would best serve such person's needs. The
1559 provider shall also indicate whether the current program referral was
1560 an initial referral or a reinstatement to the program.

1561 (i) When a person subsequently requests reinstatement into a
1562 substance abuse intervention program or a substance abuse treatment
1563 program and the Court Support Services Division verifies that such
1564 person is eligible for reinstatement into such program and thereafter
1565 the court favorably acts on such request, such person shall pay a
1566 nonrefundable fee of one hundred seventy-five dollars if ordered to
1567 complete a ten-session substance abuse intervention program or two
1568 hundred fifty dollars if ordered to complete a fifteen-session substance
1569 abuse intervention program, as the case may be. Unless good cause is
1570 shown, such fees shall not be waived. If the court grants a person's
1571 request to be reinstated into a substance abuse treatment program,
1572 such person shall be responsible for the costs, if any, associated with
1573 being reinstated into the treatment program. All fees collected in
1574 connection with a reinstatement to a substance abuse intervention

1575 program shall be credited to the pretrial account established under 54-
1576 56k, as amended by this act. No person shall be permitted more than
1577 two program reinstatements pursuant to this subsection.

1578 [(h)] (j) The Department of Mental Health and Addiction Services
1579 shall develop standards and oversee appropriate [drug] substance
1580 abuse education programs to meet the requirements of this section and
1581 may contract with service providers to provide such programs. The
1582 department shall adopt regulations, in accordance with chapter 54, to
1583 establish standards for such [drug] substance abuse education
1584 programs.

1585 [(i)] (k) Any person whose employment or residence or schooling
1586 makes it unreasonable to attend a [drug] substance abuse education
1587 program in this state may attend a program in another state that has
1588 standards similar to, or higher than, those of this state, subject to the
1589 approval of the court and payment of the program fee as provided in
1590 this section.

1591 Sec. 57. Section 54-56k of the general statutes is repealed and the
1592 following is substituted in lieu thereof (*Effective July 1, 2009*):

1593 (a) There is established an account to be known as the pretrial
1594 account. The account shall contain any moneys required by law to be
1595 deposited in the account and shall be a separate, nonlapsing account of
1596 the General Fund. Investment earnings credited to the account shall
1597 become part of the assets of the account. Any balance remaining in
1598 said account at the end of any fiscal year shall be carried forward in the
1599 account for the next fiscal year.

1600 (b) There shall be deposited in the pretrial account all evaluation
1601 and program fees collected pursuant to [subsection (c) of] section 54-
1602 56g, as amended by this act, and [subsection (g) of] section 54-56i, as
1603 amended by this act, and funds appropriated in subsection (a) of
1604 section 47 of special act 01-1 of the June special session.

1605 (c) Amounts in the pretrial account shall be available to fund the

1606 cost of operating the pretrial alcohol and [drug] substance abuse
1607 education programs established under sections 54-56g and 54-56i, as
1608 amended by this act.

1609 (d) Up to five hundred thousand dollars of any funds deposited or
1610 credited each year to the account established in this section shall be
1611 available to the Department of Mental Health and Addiction Services
1612 for regional action councils for prevention programs, including, but
1613 not limited to, tobacco cessation programs and substance use disorder
1614 education programs.

1615 Sec. 58. Subsection (c) of section 54-56e of the general statutes is
1616 repealed and the following is substituted in lieu thereof (*Effective July*
1617 *1, 2009*):

1618 (c) This section shall not be applicable: (1) To any person charged
1619 with a class A felony, a class B felony, except a violation of section 53a-
1620 122 that does not involve the use, attempted use or threatened use of
1621 physical force against another person, or a violation of section 14-227a,
1622 subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-
1623 60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-
1624 196e or 53a-196f, (2) to any person charged with a crime or motor
1625 vehicle violation who, as a result of the commission of such crime or
1626 motor vehicle violation, causes the death of another person, (3) to any
1627 person accused of a family violence crime as defined in section 46b-38a
1628 who (A) is eligible for the pretrial family violence education program
1629 established under section 46b-38c, or (B) has previously had the
1630 pretrial family violence education program invoked in such person's
1631 behalf, (4) to any person charged with a violation of section 21a-267 or
1632 21a-279 who (A) is eligible for the pretrial [drug] substance abuse
1633 education program established under section 54-56i, as amended by
1634 this act, or (B) has previously had the pretrial drug education program
1635 invoked in such person's behalf, (5) unless good cause is shown, to any
1636 person charged with a class C felony, or (6) to any person charged with
1637 a violation of section 9-359 or 9-359a.

1638 Sec. 59. Section 54-66a of the general statutes is repealed and the
1639 following is substituted in lieu thereof (*Effective July 1, 2009*):

1640 Any bail bond posted in any criminal proceeding in this state shall
1641 be automatically terminated and released whenever the defendant: (1)
1642 Is granted accelerated rehabilitation pursuant to section 54-56e, as
1643 amended by this act; (2) is granted admission to the pretrial alcohol
1644 education system pursuant to section 54-56g, as amended by this act;
1645 (3) is granted admission to the pretrial family violence education
1646 program pursuant to section 46b-38c; (4) is granted admission to the
1647 community service labor program pursuant to section 53a-39c; (5) is
1648 granted admission to the pretrial [drug] substance abuse education
1649 program pursuant to section 54-56i, as amended by this act; (6) has the
1650 complaint or information filed against such defendant dismissed; (7) is
1651 acquitted; (8) is sentenced by the court; (9) is granted admission to the
1652 pretrial school violence prevention program pursuant to section 54-56j;
1653 or (10) is charged with a violation of section 29-33 and prosecution has
1654 been suspended pursuant to subsection (h) of section 29-33.

1655 Sec. 60. Subsection (c) of section 17a-485d of the general statutes is
1656 repealed and the following is substituted in lieu thereof (*Effective July*
1657 *1, 2009*):

1658 (c) The Commissioner of Social Services shall take such action as
1659 may be necessary to amend the Medicaid state plan to provide for
1660 coverage of optional adult rehabilitation services supplied by
1661 providers of mental health services or substance abuse rehabilitation
1662 services for adults with serious and persistent mental illness or who
1663 have alcoholism or other substance abuse conditions, that are certified
1664 by the Department of Mental Health and Addiction Services. [For the
1665 fiscal years ending June 30, 2004, and June 30, 2005, up to three million
1666 dollars in each such fiscal year of any moneys received by the state as
1667 federal reimbursement for optional Medicaid adult rehabilitation
1668 services shall be credited to the Community Mental Health Restoration
1669 subaccount within the account established under section 17a-485 and
1670 shall be available for use for the purposes of the subaccount.] The

1671 Commissioner of Social Services shall adopt regulations, in accordance
1672 with the provisions of chapter 54, to implement optional rehabilitation
1673 services under the Medicaid program. The commissioner shall
1674 implement policies and procedures to administer such services while
1675 in the process of adopting such policies or procedures in regulation
1676 form, provided notice of intention to adopt the regulations is printed
1677 in the Connecticut Law Journal within forty-five days of
1678 implementation, and any such policies or procedures shall be valid
1679 until the time final regulations are effective.

1680 Sec. 61. Subsection (a) of section 17a-485g of the general statutes is
1681 repealed and the following is substituted in lieu thereof (*Effective July*
1682 *1, 2009*):

1683 (a) On or before October 1, 2007, the Commissioner of Mental
1684 Health and Addiction Services, within available appropriations set
1685 forth in section 52 of public act 06-188*, [and in consultation with the
1686 Community Mental Health Strategy Board established under section
1687 17a-485b,] shall establish and implement (1) a pilot program for
1688 general pediatric, family medicine and geriatric health care
1689 professionals to improve their ability to identify, diagnose, refer and
1690 treat patients with mental illness, and (2) a pilot program of peer-
1691 counseling in the Division of the State Police.

1692 Sec. 62. Subsection (a) of section 17b-263a of the general statutes is
1693 repealed and the following is substituted in lieu thereof (*Effective July*
1694 *1, 2009*):

1695 (a) On or before December 31, 2006, the Commissioner of Social
1696 Services, in consultation with the Commissioner of Mental Health and
1697 Addiction Services, [and the Community Mental Health Strategy
1698 Board, established under section 17a-485b,] shall take such action as is
1699 necessary to amend the Medicaid state plan to include assertive
1700 community treatment teams and community support services within
1701 the definition of optional adult rehabilitation services. Such
1702 community treatment teams shall provide intensive, integrated,

1703 multidisciplinary services to adults with severe psychiatric disabilities,
1704 including, but not limited to, persons who are homeless, persons
1705 diverted or discharged from in-patient programs or nursing homes
1706 and persons diverted or released from correctional facilities, or who
1707 are at risk of incarceration, and such teams shall provide intensive
1708 community care management through case managers, nurses and
1709 physicians and shall include, but not be limited to, vocational, peer
1710 and substance abuse specialists. The Commissioner of Social Services
1711 shall adopt regulations, in accordance with the provisions of chapter
1712 54, for purposes of establishing the services specified in this
1713 subsection. The Commissioner of Social Services may implement
1714 policies and procedures for purposes of establishing such services
1715 while in the process of adopting such policies or procedures in
1716 regulation form, provided notice of intention to adopt the regulations
1717 is printed in the Connecticut Law Journal no later than twenty days
1718 after implementation and any such policies and procedures shall be
1719 valid until the time the regulations are effective.

1720 Sec. 63. Subsection (e) of section 38a-1041 of the general statutes is
1721 repealed and the following is substituted in lieu thereof (*Effective July*
1722 *1, 2009*):

1723 (e) On or before October 1, 2005, the Managed Care Ombudsman [,
1724 in consultation with the Community Mental Health Strategy Board,
1725 established under section 17a-485b,] shall establish a process to
1726 provide ongoing communication among mental health care providers,
1727 patients, state-wide and regional business organizations, managed care
1728 companies and other health insurers to assure: (1) Best practices in
1729 mental health treatment and recovery; (2) compliance with the
1730 provisions of sections 38a-476a, 38a-476b, 38a-488a and 38a-489; and (3)
1731 the relative costs and benefits of providing effective mental health care
1732 coverage to employees and their families. On or before January 1, 2006,
1733 and annually thereafter, the Healthcare Advocate shall report, in
1734 accordance with the provisions of section 11-4a, on the implementation
1735 of this subsection to the joint standing committees of the General

1736 Assembly having cognizance of matters relating to public health and
 1737 insurance.

1738 Sec. 64. Sections 17a-485, 17a-485a, 17a-485b, 19a-202a and 19a-202b
 1739 of the general statutes are repealed. (*Effective July 1, 2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	19a-404
Sec. 2	<i>from passage</i>	19a-405
Sec. 3	<i>July 1, 2009</i>	19a-240
Sec. 4	<i>July 1, 2009</i>	19a-241
Sec. 5	<i>July 1, 2009</i>	19a-242
Sec. 6	<i>July 1, 2009</i>	19a-243
Sec. 7	<i>July 1, 2009</i>	19a-244
Sec. 8	<i>July 1, 2009</i>	19a-245
Sec. 9	<i>July 1, 2009</i>	19a-246
Sec. 10	<i>July 1, 2009</i>	19a-202
Sec. 11	<i>July 1, 2009</i>	19a-204
Sec. 12	<i>July 1, 2009</i>	19a-206(f)
Sec. 13	<i>July 1, 2009</i>	19a-208
Sec. 14	<i>July 1, 2009</i>	19a-209a
Sec. 15	<i>July 1, 2009</i>	19a-221(a)
Sec. 16	<i>July 1, 2009</i>	19a-223
Sec. 17	<i>July 1, 2009</i>	19a-231(b)
Sec. 18	<i>July 1, 2009</i>	19a-639a(a)
Sec. 19	<i>July 1, 2009</i>	4-28g
Sec. 20	<i>July 1, 2009</i>	19a-7h(b)
Sec. 21	<i>July 1, 2009</i>	19a-37(d)
Sec. 22	<i>July 1, 2009</i>	19a-76
Sec. 23	<i>July 1, 2009</i>	19a-232(b) and (c)
Sec. 24	<i>July 1, 2009</i>	19a-491(e)
Sec. 25	<i>July 1, 2009</i>	22-359a
Sec. 26	<i>July 1, 2009</i>	19a-7d
Sec. 27	<i>July 1, 2009</i>	19a-178b(a)
Sec. 28	<i>July 1, 2009</i>	1-210(b)(16)
Sec. 29	<i>July 1, 2009</i>	1-210(e)(2)
Sec. 30	<i>July 1, 2009</i>	5-259(a)
Sec. 31	<i>July 1, 2009</i>	5-259(i)

Sec. 32	July 1, 2009	7-101a(e)
Sec. 33	July 1, 2009	7-425(1)
Sec. 34	July 1, 2009	7-425(3)
Sec. 35	July 1, 2009	7-427(a)
Sec. 36	July 1, 2009	7-452(1)
Sec. 37	July 1, 2009	7-452(4)
Sec. 38	July 1, 2009	7-465(b)
Sec. 39	July 1, 2009	7-467
Sec. 40	July 1, 2009	7-479
Sec. 41	July 1, 2009	7-479a
Sec. 42	July 1, 2009	10-204c
Sec. 43	July 1, 2009	12-146a
Sec. 44	July 1, 2009	19a-92g(b)
Sec. 45	July 1, 2009	19a-111a(c)
Sec. 46	July 1, 2009	19a-252
Sec. 47	July 1, 2009	22a-66a(j)
Sec. 48	July 1, 2009	25-33(e)
Sec. 49	July 1, 2009	25-130
Sec. 50	July 1, 2009	31-48b(a)
Sec. 51	<i>from passage</i>	New section
Sec. 52	<i>from passage</i>	17a-22j(b)
Sec. 53	<i>from passage</i>	17a-22aa
Sec. 54	<i>from passage</i>	17b-602a
Sec. 55	July 1, 2009	54-56g
Sec. 56	July 1, 2009	54-56i
Sec. 57	July 1, 2009	54-56k
Sec. 58	July 1, 2009	54-56e(c)
Sec. 59	July 1, 2009	54-66a
Sec. 60	July 1, 2009	17a-485d(c)
Sec. 61	July 1, 2009	17a-485g(a)
Sec. 62	July 1, 2009	17b-263a(a)
Sec. 63	July 1, 2009	38a-1041(e)
Sec. 64	July 1, 2009	Repealer section

PH

Joint Favorable Subst. C/R

APP