



# STATE OF CONNECTICUT

## DEPARTMENT OF PUBLIC HEALTH

### **TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE March 12, 2010**

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### **House Bill 5446- An Act Concerning Mass Gatherings**

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The Department of Public Health would like to provide the following information on HB 5446.

DPH has worked with stakeholders over the past year to resolve issues involving the implementation of the measures contained in this statute. Attached is alternative language the department would like substituted for the current proposal. This language has also been included to address what is contained in section 42 of SB 428.

Thank you for your consideration of the Department's views on this bill.

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**Section 1.** Section 19a-436 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) [No] Except as provided in subsection (d) of this section, no person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of two thousand or more people [which] that continues or can reasonably be expected to continue for twelve or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the chief [of police] elected official of the municipality in which the assembly is to gather or, if there is none, the first selectman. [A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.] A license to hold such an assembly may be issued to an individual or a legally-organized and existing entity.

(b) A separate license shall be required for each day and each location in which two thousand or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be one hundred dollars.

[(c) A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to or permit to assemble at the licensed location more than the maximum permissible number of people.]

[(d)] (c) The licensee shall not permit the sound of the assembly to carry unreasonably beyond the boundaries of the location of the assembly.

(d) A municipality may waive the licensure process prescribed in this section, provided no assembly, as described in subsection (a) of this section, may gather unless the person or entity otherwise responsible for obtaining a license under this section has provided: (1) Prior written notification to the chief elected official of the municipality where the assembly is to gather, and (2) a letter to the chief elected official of the municipality demonstrating that the requirements of section 19a-437, as amended by this act, have been met. The person undertaking the gathering shall provide such notice and letter to the chief elected official of the municipality not less than twenty days prior to the date when the assembly is to gather.

**Sec. 2.** Section 19a-437 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

Before the issuance of a license in accordance with the provisions of this chapter, the applicant shall first:

(1) Determine the maximum number of people which will be assembled or admitted to the location of the assembly, provided the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the municipality and that, for an assembly that occurs on an annual basis, the maximum number of people determined may be the average number of persons assembled each day of the assembly during the prior four years of the assembly;

(2) Provide proof that food concessions will be in operation on the grounds with sufficient capacity to accommodate the number of persons expected to be in attendance and that he will furnish at his own expense before the assembly commences: (A) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten gallons per person per day; (B) separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every two hundred females and at least one toilet for every three hundred males, together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations. A lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet; (C) a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half pounds of solid waste per person per day, together

with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task; (D) [a written plan reviewed by the primary service area responder, as defined in section 19a-175, in the location where the assembly is to be held, that indicates that the applicant has satisfactorily planned and arranged for the on-site availability of an emergency medical service organization, as defined in section 19a-175, during the duration of the assembly;] a copy of a written plan for the provision of emergency medical services, after consultation with, and in cooperation with, the primary service area responder as defined in section 19a-175, that is compliant with state statutes and regulations and any local ordinances [(E) if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the location of the assembly; (F)] (E) a [free] parking area [inside of the assembly grounds] sufficient to provide parking space for the maximum number of people to be assembled; [at the rate of at least one parking space for every four persons; (G) telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each one thousand persons; (H)] (F) if the assembly is to continue overnight, camping facilities in compliance with all state and local requirements, sufficient to provide camping accommodations for the maximum number of people to be assembled; [(I)] (G) [security guards, either regularly employed, duly sworn, off duty policemen or constables or private guards, licensed in this state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every seven hundred fifty people] a copy of a written plan for on-site security and for traffic direction on public roadways prepared by the applicant, after consultation with, and in cooperation with, the local police authority, that is compliant with state statutes and regulations and any local ordinances; [(J)] and (H) [fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly and sufficient emergency personnel to operate efficiently the required equipment] a copy of a written plan for fire protection prepared by the applicant, after consultation with, and in cooperation with, the local fire department, and compliant with state statutes and regulations and any local ordinances; [(K) all reasonably necessary precautions to insure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly; and (L) a bond, filed with the clerk of the municipality in which the assembly is to gather, either in cash or underwritten by a surety company licensed to do business in this state, at the rate of four dollars per person for the maximum number of people permitted to assemble, which (i) shall indemnify and hold harmless the municipality or any of its agents, officers, servants or employees from any liability or causes of action which might arise by reason of granting the license, and from any cost incurred in cleaning up any waste material produced or left by the assembly; (ii) guarantee the state the payment of any taxes which may accrue as a result of the gathering; and (iii) guarantee reimbursement of ticketholders if the event is cancelled. ]

**Sec. 3.** Subsection (a) of section 19a-438 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) Application for a license to hold an actual or anticipated assembly of two thousand or more persons that continues or can reasonably be expected to continue for twelve or more consecutive hours, shall be made in writing to the [governing body] chief elected official of the municipality at least [fifteen] twenty days in advance of such assembly and shall be accompanied by [the bond required by subparagraph (L) of subdivision (2) of section 19a-437 and] the license fee required by subsection (b) of section 19a-436, as amended by this act.

(b) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant, [and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there are no officers, by all members of such association, society or group. The application shall be executed by the applicant, or by a duly-authorized representative of the applicant if the applicant is a legal entity.

(c) The application shall contain and disclose: (1) The name, age, residence and mailing address of the authorized signor [all persons required to sign the application] in accordance with [by] subsection (b) of this section [and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten per cent or more of the stock of

such corporation]; (2) the address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner or owners of all such property; (3) proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner or owners of all such property that the applicant has permission to use such property for an assembly of ~~three~~ two thousand or more persons; (4) the nature or purpose of the assembly; (5) the date(s) and the total number of days or hours during which the assembly is to last; (6) the maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the municipality if the assembly is to continue overnight; (7) the maximum number of tickets to be sold, if any; (8) a copy of a written plan prepared by the applicant ~~the plans~~ of the applicant to limit the maximum number of people permitted to assemble; (9) ~~the plans for supplying potable water including the source, amount available and location of outlets~~ a copy of the written plan prepared by the applicant for the provision and existence of pure and adequate drinking water; (10) a copy of the written plan[s] prepared by the applicant for providing toilet and lavatory facilities, including the source, number, location and type, and the means of disposing of waste deposited; (11) a copy of a written plan prepared by the applicant ~~the plans~~ for holding, collecting and disposing of solid waste material; (12) ~~the plans to provide for medical facilities, including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service~~ a copy of a written plan prepared by the applicant for the provision of emergency medical services prepared by the applicant, after consultation with, and in cooperation with, the primary service area responder as defined in section 19a-175, that is compliant with state statutes and regulations and any local ordinances; ~~[(13) the plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps; (14) ]~~ (13) a copy of a written plan[s] prepared by the applicant for parking vehicles, including size and location of lots, points of highway access and interior roads, including routes between highway access and parking lots; ~~[(15) the plans for telephone service, including the source, number and location of telephones; (16) ]~~ (14) a copy of a written ~~the~~ plan[s] prepared by the applicant for camping facilities, if any, including facilities available and their location; ~~[(17) ]~~ (15) ~~the plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability~~ a copy of a written plan prepared by the applicant for on-site security and for traffic direction on public roadways for such event prepared by the applicant, after consultation with, and in cooperation with, the local police authority, that is compliant with state statutes and regulations and any local ordinances; ~~[(18) ]~~ (16) a copy of a written plan prepared by the applicant ~~the plans for fire protection, including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment~~ a copy of a written plan prepared by the applicant for fire protection prepared by the organization, after consultation with, and in cooperation with, the local fire department, and compliant with state statutes and regulations and any local ordinances; ~~[(19) the plans for sound control and sound amplification, if any, including the number, location and power of amplifiers and speakers; (20)]~~ and (17) ~~the plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers~~ a copy of a written plan prepared by the applicant for how each concession will assure compliance with federal, state and local food protection laws and regulations.

**Sec. 4.** Sec. 19a-439 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

The application for a license shall be processed within ~~twenty~~ fifteen days of its receipt and shall be issued if all conditions are complied with.

**Sec. 5.** Sec. 19a-440 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

A license issued under the provisions of this chapter may be revoked by the ~~governing body~~ chief elected official of the municipality at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.

**Sec. 6.** Section 19a-443 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):

(a) This chapter shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum or other similar permanently established place of assembly for assemblies which do not exceed by more than two hundred fifty people the maximum seating capacity of the structure where the assembly is held.

(b) This chapter shall not apply to government-sponsored fairs held on regularly established fairgrounds or to assemblies required to be licensed by other provisions of the general statutes or local ordinances.

(c) This chapter shall not apply to any annual agricultural fair provided: (1) such fair has been held annually at least 10 consecutive years since 1990 at the same grounds; (2) such fair is held on grounds owned or leased by the organization holding such fair, and such grounds are specially improved and adapted for the holding of fairs (3) the organization holding such fair is a legally-existing nonprofit organization organized under the laws of the State of Connecticut, and (4) a detailed description of such fair is delivered in hand to the chief elected official of the municipality where such fair is to be held at least ninety (90) days before commencement of such fair. Such description shall contain at least the following information: (A) The date(s) and hours of operation of such fair, (B) a description of the location where such fair is to be held, (C) a copy of a written plan for the provision of emergency medical services at such fair prepared by the organization, after consultation with, and in cooperation with, the primary service area responder as defined in section 19a-175, that is compliant with state statutes and regulations and any local ordinances (D) a copy of a written plan for on-site security and for traffic direction on public roadways for such fair prepared by the organization, after consultation with, and in cooperation with, the local police authority, that is compliant with state statutes and regulations and any local ordinances (E) a copy of a written plan for fire protection for such fair prepared by the organization, after consultation with, and in cooperation with, the local fire department, and compliant with state statutes and regulations and any local ordinances, (F) a copy of a written plan for traffic and transportation services, (G) a copy of a written plan for the provision and existence of pure and adequate drinking water, food protection, and sewage and solid waste disposal reviewed by the local health department or district to assure compliance with federal, state and local laws and regulations. No provision of this subsection shall operate to prohibit a municipality from enacting such ordinances relating to fairs as are enabled by applicable law.