



**Substitute House Bill No. 5101**

**Public Act No. 15-148**

**AN ACT CONCERNING PUBLIC POOLS.**

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

Section 1. Section 19a-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(a) The Commissioner of Public Health shall establish a Public Health Code and, from time to time, amend the same. The Public Health Code may provide for the preservation and improvement of the public health.

(1) Said code may include regulations pertaining to retail food establishments, including, but not limited to, food service establishments, catering food service establishments and itinerant food vending establishments and the required permitting from local health departments or districts to operate such establishments.

(2) Drainage and toilet systems to be installed in any house or building arranged or designed for human habitation, or field sanitation provided for agricultural workers or migratory farm laborers, shall conform to minimum requirements prescribed in said code.

(3) Said code may include regulations requiring toilets and

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handwashing facilities in large stores, as defined in such regulations, in shopping centers and in places dispensing food or drink for consumption on the premises, for the use of patrons of such establishments, except that the provisions of such regulations shall not apply to such establishments constructed or altered pursuant to plans and specifications approved or building permits issued prior to October 1, 1977.

(4) The provisions of such regulations (A) with respect to the requirement of employing a qualified food operator and any reporting requirements relative to such operator, shall not apply to an owner or operator of a soup kitchen who relies exclusively on services provided by volunteers, and (B) shall not prohibit the sale or distribution of food at a noncommercial function such as an educational, religious, political or charitable organization's bake sale or potluck supper provided the seller or person distributing such food maintains such food under the temperature, pH level and water activity level conditions that will inhibit the rapid and progressive growth of infectious or toxigenic microorganisms. For the purposes of this section, a "noncommercial function" means a function where food is sold or distributed by a person not regularly engaged in the for profit business of selling such food.

(5) The provisions of such regulations with respect to qualified food operators shall require that the contents of the test administered to qualified food operators include elements testing the qualified food operator's knowledge of food allergies.

(6) Each regulation adopted by the Commissioner of Public Health shall state the date on which it shall take effect, and a copy of the regulation, signed by the Commissioner of Public Health, shall be filed in the office of the Secretary of the State and a copy sent by said commissioner to each director of health, and such regulation shall be published in such manner as the Commissioner of Public Health may

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determine.

(7) Any person who violates any provision of the Public Health Code shall be guilty of a class C misdemeanor.

(b) [Notwithstanding any regulations to the contrary, the] The Commissioner of Public Health shall charge the following fees for the following services: [(1) Review of plans for each public swimming pool, seven hundred fifty dollars; (2) review of each resubmitted plan for each public swimming pool, two hundred fifty dollars; (3) inspection of each public swimming pool, two hundred dollars; (4) reinspection of each public swimming pool, one hundred fifty dollars; (5) review] (1) Review of each small flow plan for subsurface sewage disposal, two hundred dollars; and [(6)] (2) review of each large flow plan for subsurface sewage disposal, six hundred twenty-five dollars. The commissioner shall amend the regulations adopted pursuant to this section as necessary to implement the provisions of this subsection.

(c) (1) For purposes of this subsection, "public pool" means an artificial basin constructed of concrete, steel, fiberglass or other impervious material and equipped with a controlled water supply that is intended for recreational bathing, swimming, diving or therapeutic purposes and includes, but is not limited to, any related equipment, structure, area or enclosure intended for the use of any person using or staffing such pool. "Public pool" does not include an artificial basin provided with a controlled water supply that is intended for use at a single-family residence, except when such basin is used for commercial or business purposes at such residence.

(2) The Department of Public Health shall classify public pools into one of the following categories:

(A) Public swimming pool, which is a pool used or intended to be

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used for recreational bathing, swimming or water recreation activities;

(B) Public wading pool, which is a pool principally used or intended to be used for wading and recreational bathing by small children;

(C) Public spa, which is a pool used for recreational bathing in conjunction with a high-velocity air system, a high-velocity water recirculation system, hot water, cold water, a mineral bath or any combination thereof;

(D) Public diving pool, which is a pool used solely for diving or the instruction and practicing of diving techniques; or

(E) Special purpose public pool, which is a pool used for a specialized purpose, including, but not limited to, a splash pad or spray park where the water is recirculated, water flume, pool used for scuba diving instruction, therapeutic pool, hydrotherapy pool or a pool used in an aquatics program for handicapped persons. Special purpose public pool does not include a flotation vessel, which shall not be subject to review by the Department of Public Health. For purposes of this subparagraph, "flotation vessel" means a tank devoid of light and sound and containing salt water in which a person floats for purposes including, but not limited to, meditation, relaxation and alternative medicine.

(3) The commissioner shall charge the following fees for the following services: (A) Review of plans for a public pool, seven hundred fifty dollars; (B) review of a resubmitted plan for a public pool, two hundred fifty dollars; (C) initial inspection of a public pool, two hundred dollars; and (D) any subsequent inspection of a public pool, one hundred fifty dollars. The commissioner shall amend the regulations adopted pursuant to this section as necessary to implement the provisions of this subsection.

[(c)] (4) Notwithstanding subsection (a) of this section, regulations

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governing the safety of [swimming] public pools shall not require fences around naturally formed ponds subsequently converted to [swimming] public pool use, provided the converted ponds [(1)] (A) retain sloping sides common to natural ponds, and [(2)] (B) are on property surrounded by a fence.

(d) The local director of health may authorize the use of an existing private well, consistent with all applicable sections of the regulations of Connecticut state agencies, the installation of a replacement well at a single-family residential premises on property whose boundary is located within two hundred feet of an approved community water supply system, measured along a street, alley or easement, where (1) a premises that is not connected to the public water supply may replace a well used for domestic purposes if water quality testing is performed at the time of the installation, and for at least every ten years thereafter, or for such time as requested by the local director of health, that demonstrates that the replacement well meets the water quality standards for private wells established in the Public Health Code, and provided there is no service to the premises by a public water supply, or (2) a premises served by a public water supply may utilize or replace an existing well or install a new well solely for irrigation purposes or other outdoor water uses provided such well is permanently and physically separated from the internal plumbing system of the premises and a reduced pressure device is installed to protect against a cross connection with the public water supply. Upon a determination by the local director of health that an irrigation well creates an unacceptable risk of injury to the health or safety of persons using the water, to the general public, or to any public water supply, the local director of health may issue an order requiring the immediate implementation of mitigation measures, up to and including permanent abandonment of the well, in accordance with the provisions of the Connecticut Well Drilling Code adopted pursuant to section 25-128. In the event a cross connection with the public water

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system is found, the owner of the system may terminate service to the premises.

Approved June 23, 2015