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## **OLR Bill Analysis**

### **HB 7193**

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

#### **SUMMARY**

This bill makes various changes to the public health statutes. It:

1. expands the Department of Public Health's (DPH) Newborn Screening Program to include any disorder listed on the federal Recommended Uniform Screening Panel (see BACKGROUND), subject to the Office of Policy and Management (OPM) secretary's approval (§ 1);
2. requires DPH to reduce payments on a pro rata basis to municipal and district health departments if the payments in a fiscal year exceed the amount appropriated (§§ 2 & 3);
3. requires water companies that own community water systems or non-transient, non-community water systems to annually pay to DPH a safe drinking water primacy assessment and, starting January 1, 2022, extends the assessment to transient, non-community water systems (§ 4); and
4. allows water companies that own community water systems to recover the assessment from customers, exempts state agencies from the assessment, and allows DPH to adopt implementing regulations (§ 4).

The bill also makes technical and conforming changes, including repealing an obsolete provision on distributing payments to local health departments in FY 00 (§ 5).

EFFECTIVE DATE: July 1, 2019, except that the provision on the (1) Newborn Screening Program takes effect October 1, 2019, and (2) safe

drinking water assessment takes effect upon passage.

#### **§ 4 — SAFE DRINKING WATER ASSESSMENT**

##### ***Definitions***

Under the bill, a “public water system” is a water company that supplies drinking water to 15 or more consumers or 25 or more people daily at least 60 days per year.

A “community water system” is a public water system that regularly serves at least 25 residents. A “non-community water system” is a public water system that serves at least 25 people at least 60 days of the year and is not a community water system.

A “non-transient, non-community water system” is a non-community water system that regularly serves at least 25 of the same people for at least six months per year. A “transient, non-community water system” is a public water system that is not a community water system and does not serve at least 25 of the same people for at least six months per year.

##### ***Assessment Required***

Starting in FY 19, the bill requires water companies that own community or non-transient, non-community water systems to annually pay DPH a safe drinking water primacy assessment. Beginning January 1, 2022, the bill extends the assessment to transient, non-community water systems and systems for which DPH conducted a sanitary survey in the prior year.

Under the bill, the assessment’s purpose is to support DPH’s ability to maintain primacy under the federal Safe Drinking Water Act (SWDA, 42 U.S.C. § 300f et seq.). Under the SWDA, the federal Environmental Protection Agency (EPA) delegates primary enforcement responsibility (“primacy”) for public water systems to states if they meet certain requirements.

Among other things, the bill (1) allows water companies that own community water systems to recover the assessment from customers, (2) exempts state agencies from the assessment, and (3) allows the

DPH commissioner to adopt implementing regulations.

### **Assessment Amount and Procedure**

The following tables describe the assessment amounts and payment due dates.

**Table 1: Assessment Amounts**

<b>System Type</b>	<b>Amount</b>
Community water system	If fewer than 50 service connections: \$125  If 50 to 99 service connections: \$150  If 100 or more service connections: an amount set by the DPH commissioner, up to \$5 per connection (starting FY19)
Non-transient, non-community water system	\$125 (starting FY19)
Transient, non-community water system	\$150 (starting January 1, 2022)
Water system for which DPH conducted a sanitary survey in the prior year	\$150 (starting January 1, 2022)

**Table 2: Assessment Due Dates**

<b>System Type</b>	<b>Deadline for DPH Issuing Initial Invoice</b>	<b>Deadline for Company to Pay Annual Assessment</b>
Community water system	January 1, 2020	If less than 100 service connections: May 1  If 100 or more service connections: 50% due March 1 and remaining 50% due May 1
Non-transient, non-community water system	January 1, 2020	March 1
Transient, non-community water system	March 1, 2022	May 31

Water system for which DPH conducted a sanitary survey in the prior year	March 1, 2022	May 31
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The bill also provides that:

1. if one water company acquires another, the purchaser must pay the assessment and
2. if a company fails to pay the assessment within 30 days after the due date, DPH may impose a 1.5% assessment fee for each month of nonpayment beyond the initial 30-day period unless it is a municipal water company, which is subject to a 9.0% fee (CGS § 12-38).

By August 1, 2019, the bill requires DPH to annually issue a statement to each water company that owns a community water system that shows the number of service connections the system has listed in the department's record as of the date the statement is issued.

### ***Assessment Termination***

The bill provides that the requirement for water companies to pay the assessment terminates if DPH no longer maintains primacy under the SDWA. This applies whether primacy is removed by the EPA or any other action by a state or federal authority.

If the assessment is terminated and not reinstated within 180 days, the water company must credit its customers any amount collected from them for the amount that the company is no longer required to pay DPH.

### ***Assessment Recovery***

The bill allows water companies that own community water systems to collect the assessment from their customers, using fees based on each customer's share of the assessment. Water companies may charge such fees without needing to go through the standard process for seeking rate change approval if the fees appear as a separate item identified as an assessment. Such charges are subject to

the company's past due and collection procedures, including interest charges, that apply to other authorized charges.

### ***DPH Reporting***

The bill requires DPH, in consultation with OPM and starting by October 1, 2019, to annually post on its website:

1. the costs to support DPH's ability to maintain primacy under the SWDA (in an amount constituting the total assessment amount for that current fiscal year) and
2. the assessment amounts due, based on such costs in accordance with the bill's requirements.

The bill also requires DPH, starting by December 1, 2019, to annually post on its website and submit to the Public Health Committee, a report on:

1. resources dedicated to support DPH's ability to maintain primacy under the SDWA in the previous fiscal year,
2. the number of full-time equivalent positions that performed the required functions to maintain primacy in the previous fiscal year, and
3. quality improvement strategies the department deployed to streamline operations to make efficient and effective use of staff resources.

## **BACKGROUND**

### ***Federal Recommended Uniform Screening Panel (RUSP)***

The RUSP is a list of health conditions that the federal Department of Health and Human Services recommends states screen for as part of their newborn screening programs. Conditions are included on the list based on evidence of the potential benefit of screening, states' ability to screen, and the availability of effective treatments (42 U.S.C. § 300b-10).

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 14 Nay 11 (03/29/2019)