



# House of Representatives

## File No. 915

General Assembly

January Session, 2015

**(Reprint of File No. 646)**

Substitute House Bill No. 5101  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 30, 2015

### **AN ACT CONCERNING PUBLIC POOLS.**

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

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 Section 19a-36 of the general statutes is repealed and the  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

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

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

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

16 code.

17 (3) Said code may include regulations requiring toilets and  
18 handwashing facilities in large stores, as defined in such regulations,  
19 in shopping centers and in places dispensing food or drink for  
20 consumption on the premises, for the use of patrons of such  
21 establishments, except that the provisions of such regulations shall not  
22 apply to such establishments constructed or altered pursuant to plans  
23 and specifications approved or building permits issued prior to  
24 October 1, 1977.

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

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

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

48 published in such manner as the Commissioner of Public Health may  
49 determine.

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

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

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

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

77 (A) Public swimming pool, which is a pool used or intended to be  
78 used for recreational bathing, swimming or water recreation activities;

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

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

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

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

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

106 [(c)] (4) Notwithstanding subsection (a) of this section, regulations  
107 governing the safety of [swimming] public pools shall not require  
108 fences around naturally formed ponds subsequently converted to  
109 [swimming] public pool use, provided the converted ponds [(1)] (A)  
110 retain sloping sides common to natural ponds, and [(2)] (B) are on

111 property surrounded by a fence.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	19a-36

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which adds statutory definitions concerning existing fees for public pool plan reviews and inspections by the Department of Public Health, has no fiscal impact.

House "A" adds a provision related to single-family residential pools that has no fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 5101 (as amended by House "A")\******AN ACT CONCERNING PUBLIC POOLS.*****SUMMARY:**

This bill adds statutory definitions, generally similar to existing regulations, concerning existing fees for public pool plan reviews and inspections by the Department of Public Health (DPH). Similar to the regulations, the bill requires DPH to classify public pools as belonging in one of five categories. The fees are the same for all categories.

Unlike the regulations, it specifies that a "flotation vessel" is not a public pool and is not subject to these fees or other review by DPH. The bill defines a flotation vessel as a salt water tank, devoid of light and sound, in which a person floats for purposes such as meditation, relaxation, and alternative medicine.

Also unlike the regulations, the bill specifically classifies splash pads and spray parks as public pools, thus making them subject to fees and DPH oversight.

Current law requires DPH to charge these fees, as well as fees for its review of subsurface sewage disposal flow plans, despite any regulations to the contrary. The bill instead requires the commissioner to amend regulations as needed to implement these fee requirements.

The bill also makes technical and conforming changes.

\*House Amendment "A" adds a provision, similar to existing regulations, specifying that single-family residential pools are not public pools unless they are used for commercial or business purposes.

EFFECTIVE DATE: October 1, 2015

### **PUBLIC POOLS**

Current law requires DPH to charge the following fees for plan reviews and inspections of public swimming pools:

1. \$750 to review a pool plan,
2. \$250 to review a resubmitted plan,
3. \$200 for a pool inspection, and
4. \$150 for a reinspection.

The bill retains these fees but refers to “public pools” rather than “public swimming pools” as the overarching category. Similar to existing regulations, it defines a “public pool” as 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. The term includes any related equipment, structure, area, or enclosure intended for use by anyone using or staffing the pool. Pools intended for use at a single-family residence are not considered public pools, unless used for commercial or business purposes.

Similar to existing regulations, the bill requires DPH to classify public pools as belonging in one of five categories, defined as follows:

1. a “public swimming pool” is a pool used or intended for recreational bathing, swimming, or water recreation activities;
2. a “public wading pool” is a pool principally used or intended for wading and recreational bathing by small children;
3. a “public spa” is a pool used for recreational bathing in conjunction with a high-velocity water recirculation or air system, hot water, cold water, a mineral bath, or any combination of these;

4. a “public diving pool” is a pool used solely for diving or the instruction and practicing of diving techniques; and
5. a “special purpose public pool” is a pool used for a specialized purpose, including: a splash pad or spray park where water is recirculated; water flume; scuba diving instruction pool; therapeutic pool; hydrotherapy pool; or pool used in an aquatics program for handicapped persons. The term does not include a “flotation vessel.”

## **BACKGROUND**

### ***Public Pool Regulations***

Under existing regulations, public pool construction or reconstruction plans must be approved in accordance with DPH’s Public Swimming Pool Design Guide. The regulations set requirements for public pools, such as supervisory personnel; water quality and PH level; signs (e.g., warning when no lifeguard is on duty); and barriers to discourage unauthorized access. There are additional requirements for certain types of pools (e.g., public swimming pools and diving pools must have depth markers) (Conn. Agencies Reg., § 19-13-B33b).

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/30/2015)