



General Assembly

February Session, 2020

Raised Bill No. 405

LCO No. 1834



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

AN ACT CONCERNING FENCES AT SPLASH PADS AND SPRAY PARKS.

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 Section 19a-36 of the general statutes is repealed and the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 July 1, 2020*):

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

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

10 (2) Said code may include regulations requiring toilets and
11 handwashing facilities in large stores, as defined in such regulations, in
12 shopping centers and in places dispensing food or drink for
13 consumption on the premises, for the use of patrons of such
14 establishments, except that the provisions of such regulations shall not

15 apply to such establishments constructed or altered pursuant to plans
16 and specifications approved or building permits issued prior to October
17 1, 1977.

18 (3) Each regulation adopted by the Commissioner of Public Health
19 shall state the date on which it shall take effect, and a copy of the
20 regulation, signed by the Commissioner of Public Health, shall be filed
21 in the office of the Secretary of the State and a copy sent by said
22 commissioner to each director of health, and such regulation shall be
23 published in such manner as the Commissioner of Public Health may
24 determine.

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

27 (b) The Commissioner of Public Health shall charge the following
28 fees for the following services: (1) Review of each small flow plan for
29 subsurface sewage disposal, two hundred dollars; and (2) review of
30 each large flow plan for subsurface sewage disposal, six hundred
31 twenty-five dollars. The commissioner shall amend the regulations
32 adopted pursuant to this section as necessary to implement the
33 provisions of this subsection.

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

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

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

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

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

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

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

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

75 (4) Notwithstanding subsection (a) of this section, regulations
76 governing the safety of public pools shall not require fences around

77 [(A)] naturally formed ponds subsequently converted to public pool
 78 use, provided the converted ponds [(i)] (A) retain sloping sides common
 79 to natural ponds, and [(ii)] (B) are on property surrounded by a fence, [,
 80 or (B) a splash pad or spray park.]

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

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2020</i>	19a-36
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Statement of Purpose:

To allow public health regulations governing safety of public pools to require fences at splash pads and spray parks.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]