

C.G.S.A. § 19a-36



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Connecticut General Statutes Annotated [Currentness](#)

Title 19A. Public Health and Well-Being ([Refs & Annos](#))

[Chapter 368A](#). Department of Public Health ([Refs & Annos](#))

**→ § 19a-36. Public Health Code. Fees. Swimming pools. Wells; Use, replacement and mitigation**

(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 said 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 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 of food at a noncommercial function such as an educational, religious, political or charitable organization's bake sale or potluck supper provided the seller 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 by a person not regularly engaged in the 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 determine.

(7) Any person who violates any provision of the Public Health Code shall be fined not more than one hundred dollars or imprisoned not more than three months, or both.

(b) Notwithstanding any regulations to the contrary, the Commissioner of Public Health shall charge the following fees for the following services: (1) Review of plans for each public swimming pool, six hundred dollars; (2) review of each resubmitted plan for each public swimming pool, two hundred dollars; (3) inspection of each public swimming pool, one hundred dollars; (4) reinspection of each public swimming pool, seventy-five dollars; (5) review of each small flow plan for subsurface sewage disposal, one hundred dollars; and (6) review of each large flow plan for subsurface sewage disposal, five hundred dollars.

(c) Notwithstanding subsection (a) of this section, regulations governing the safety of swimming pools shall not require fences around naturally formed ponds subsequently converted to swimming pool use, provided the converted ponds (1) retain sloping sides common to natural ponds and (2) 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 system is found, the owner of the system may terminate service to the premises.

#### CREDIT(S)

(1949 Rev., § 3800; 1958 Rev., § 19-13; 1959, P.A. 628, § 2; 1961, P.A. 140; 1977, P.A. 77-282; 1977, P.A. 77-614, § 345, eff. Jan. 1, 1979; 1992, May Sp.Sess., P.A. 92-6, § 6, eff. July 1, 1992; 1993, P.A. 93-381, § 9, eff. July 1, 1993; 1995, P.A. 95-44, § 2; 1995, P.A. 95-257, §§ 12, 21, eff. July 1, 1995; 1997, P.A. 97-278; 1998, P.A. 98-75, § 2; 2002, P.A. 02-102, § 2; 2003, P.A. 03-252, § 3; 2005, P.A. 05-122, § 1; 2007, P.A. 07-244, § 2; 2008, P.A. 08-184, § 5.)

#### HISTORICAL AND STATUTORY NOTES

2008 Electronic Pocket Part Update

**Codification**

Section heading was changed to conform to the 2008 Supplement to the Connecticut General Statutes.

Technical changes were made to conform to Gen.St., Rev. to 2009.

2003 Main Volume

**Transfer of Section**

This section, formerly set out as [C.G.S.A. § 19-13](#), was transferred to C.G.S.A. § 19a-36 in Gen.St., Rev. to 1983.

**Codification**

Gen.St., Rev. to 1993, changed the section heading from "Public health code" to "Public health code. Fees".

On and after July 1, 1993: the terms "department of health services", "Connecticut alcohol and drug abuse commission", or "state alcohol and drug abuse commission", wherever appearing, have been changed to "department of public health and addiction services"; and the terms "commissioner of health services" or "executive director of the Connecticut alcohol and drug abuse commission", wherever appearing, have been changed to "commissioner of public health and addiction services", pursuant to 1993, P.A. 93-381, § 9.

On and after July 1, 1995, the term "commissioner of public health and addiction services" has been changed to "commissioner of public health" and the term "department of public health and addiction services" has been changed to "department of public health", pursuant to 1995, P.A. 95-257, §§ 12, 21.

Section heading was changed to conform to Gen.St., Rev. to 2003.

**Effective Dates**

**1977 Act.** 1977, P.A. 77-614, § 610, provided that § 345 of the act takes effect Jan. 1, 1979.

**Derivation:**

1917, P.A. ch. 391.

1918 Rev., §§ 2363, 2369.

1927, P.A. ch. 6.

1930 Rev., § 2370.

1939, Supp. § 854e.

C. G. S. A. § 19a-36, CT ST § 19a-36

Current through 2009 Jan. Reg. Sess. public acts approved by the Gov. on or before May 25, 2009, with effective dates on or prior to July 1, 2009.

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