

Act Number: 07-79

Bill Number: 1190

Senate Pages: 1468, 1505-1506

3

House Pages: 3783-3788

6

Committee: Public Health: 1900, 1901, 2023, 2024-2026, 2190-
2191, 2359-2360, ~~2363-2364, 2368-2369~~ 14 10

Page Total:

2819

S-541

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
2007

VOL. 50
PART 5
1346-1688

H-995

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2007

VOL. 50
PART 12
3696-4039

JOINT
STANDING
COMMITTEE
HEARINGS

JOINT
STANDING
COMMITTEE
HEARINGS

JOINT
STANDING
COMMITTEE
HEARINGS

PUBLIC HEALTH

PUBLIC HEALTH

PUBLIC HEALTH

PART6
1631-1973

PART7
1974-2296

PART8
2297-2624

2007

2007

2007

jmk

168

Senate

April 25, 2007

SEN. LOONEY:

Thank you, Mr. President. Calendar 136, Senate Bill 1190, I would move to place on the Consent Calendar.

THE CHAIR:

Hearing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar 173, last item on that page, is marked PR.

Moving to Calendar Page 34, Calendar 183, PR.

Calendar 189, Senate Bill 872, Mr. President, I would move to refer this item to the Committee on Finance, Revenue and Bonding.

THE CHAIR:

Hearing no objection, so ordered.

SEN. LOONEY:

Thank you, Mr. President. Calendar 193 is marked
Go.

jmk

205

Senate

April 25, 2007

Calendar 381, House Bill 7108.

Calendar Page 24, Calendar 387, House Bill 7109.

Calendar 388, House Bill 7127.

Calendar 389, Substitute for House Bill 7265.

Calendar Page 28, Calendar 412, Senate Bill 1454.

Calendar Page 33, Calendar 133, Substitute for
Senate Bill 1102.

Calendar 136, Substitute for Senate Bill 1190.

Calendar Page 34, Calendar 241, Senate Bill 1337.

Calendar page 35, Calendar 254, Substitute for
Senate Bill 1378.

Calendar Page 38, Calendar 317, Substitute for
Senate Bill 1224. Mr. President, I believe that
completes those items previously placed on the first
Consent Calendar.

THE CHAIR:

Thank you, Mr. Clerk. Please call the roll call
vote again, please.

THE CLERK:

jmk

206

Senate

April 25, 2007

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, the machine will be locked. The Clerk will announce the tally.

THE CLERK:

Motion is on adoption of the Consent Calendar.

Total number voting, 35; those necessary for adoption, 18. Those voting "yea", 35; those voting "nay", 0. Those absent and not voting, 1.

THE CHAIR:

The Consent Calendar is adopted. Senator Looney.

SEN. LOONEY:

pat
House of Representatives

88
May 16, 2007

Thank you, Mr. Speaker.

SPEAKER AMANN:

Thank you, and I say hello to Orange Avenue.
Nice to see everybody. Thanks for coming, and we hope
you had a great day.

Any other announcements or introductions?
Announcements or introductions? Would the Clerk
please call Calendar Number 497. The Clerk please
call Calendar Number 497.

CLERK:

On Page 33, Calendar Number 497, Substitute for
Senate Bill Number 1190, AN ACT CONCERNING VITAL
RECORDS, Favorable Report of the Committee on
Judiciary.

DEPUTY SPEAKER FRITZ:

Representative Sayers, from the fine Town of
Windsor Locks.

REP. SAYERS: (60TH)

Thank you, Madam Speaker. Good afternoon.

DEPUTY SPEAKER FRITZ:

Good afternoon.

pat
House of Representatives

89
May 16, 2007

REP. SAYERS: (60th)

Madam Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate.

DEPUTY SPEAKER FRITZ:

The question is on acceptance and passage in concurrence with the Senate. Will you proceed, Madam.

REP. SAYERS: (60th)

Thank you, Madam Speaker. This Bill makes a number of substantial--

DEPUTY SPEAKER FRITZ:

Representative Sayers, can you hold a minute. It hasn't hit the board yet. Representative Sayers, will you please proceed, Madam.

REP. SAYERS: (60th)

Thank you, Madam Speaker. This Bill makes a number of substantive and technical changes to statutes addressing vital records and related topics.

Under the Bill, the Department of Public Health Commissioner requires applicants seeking employment or transfer to the Department's vital records unit, to

pat
House of Representatives

90
May 16, 2007

submit to state and national criminal history record checks.

The Bill also requires applicants to state whether or not they have ever been convicted of a crime or are facing pending criminal charges at the time of application.

The Bill also allows a nurse midwife who delivers a fetus born dead to sign the sealed death certificate.

It also allows a nurse midwife to certify to the date of delivery and sign the fetal death certificate, provided the fetal death was anticipated.

In cases in which the nurse midwife delivers a dead fetus and there is no physician present at the time of delivery, current law gives nurse midwives the authority to certify to an infant death, but not to a fetal death, which is a fetus over 20 weeks of gestation that is born dead.

The Bill specifies that a marriage or civil union ceremony is valid in Connecticut only if conducted by

pat
House of Representatives

91
May 16, 2007

and in the physical presence of someone authorized to perform such a ceremony.

Finally, the Bill allows the Town recording a vital record event relating to a non-resident to collect a \$2 fee from that person's town of residence. I move adoption.

DEPUTY SPEAKER FRITZ:

Will you remark further on the Bill before us?
Will you remark further on the Bill before us?
Representative Mary Ann Carson.

REP. CARSON: (108th)

Thank you, Madam Speaker. I rise in support of this Bill. It's well defined by Representative Sayers. This is a Department of Public Health initiative, and had the unanimous support of the Public Health Committee. Thank you, Madam Speaker.

DEPUTY SPEAKER FRITZ:

Thank you, Madam. Will you remark further on the Bill before us? Will you remark further on the Bill before us? If not, will staff and guests please come to the Well of the House. The machine will be opened.

pat
House of Representatives

92
May 16, 2007

CLERK:

The House of Representatives is voting by Roll

Call. Members to the Chamber. The House is voting by
Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER FRITZ:

Have all the Members voted? Have all the Members
voted? Please check the board to make sure that your
vote is accurately cast.

If so, the machine will be locked, and the Clerk
will take the tally. The Clerk will announce the
tally.

CLERK:

Senate Bill Number 1190, in concurrence with the
Senate.

Total Number Voting	147
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	1
Those absent and not voting	4

DEPUTY SPEAKER FRITZ:

pat
House of Representatives

93
May 16, 2007

The Bill is passed in concurrence with the
Senate. Will the Clerk please call Calendar Number
277.

CLERK:

On Page 25, Calendar Number 277, House Bill
Number 6080, AN ACT CONCERNING CLARIFICATION OF THE
PERIOD OF TIME BETWEEN THE REAL ESTATE PROPERTY TAX
DUE DATE AND THE LAPSING OF THE SILENT LIEN PROVIDED
IN STATUTE, Favorable Report of the Committee on
Finance, Revenue and Bonding.

DEPUTY SPEAKER FRITZ:

Representative Betsy Ritter.

REP. RITTER: (38th)

Madam Speaker, I move for acceptance of the Joint
Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER FRITZ:

The question is on acceptance and passage. Will
you proceed, Madam?

REP. RITTER: (38th)

Madam Speaker, this Bill increases from one to
two years after a real estate property tax becomes

21
rls

PUBLIC HEALTH

February 26, 2007

The feeling is if the Committee is not satisfied with the amount of time, we can call the folks who are on this list back to talk to us again. They are around. The public who is coming at a distance has to stay because this is really their only time. So with that, Dr. Galvin.

COMM. ROBERT GALVIN: Thank you. Good morning, Senator Handley, Representative Sayers, distinguished Legislators and Committee Members.

SB 1190
HB 5747

I have a few remarks that I will make and I will be available, my staff and subject experts will be available in case you need any amplification. I have three bills I am going to make brief comments about.

First is House Bill 7163, and that concerning revisions to the Department of Public Health statutes. These are mainly technical adjustments.

I do have the experts in the audience who can discuss those. There is nothing earth shattering about any of them but if there is something that particularly impacts one of your districts or senatorial areas we have people here who are willing and able to discuss it in detail.

Senate Bill 1192 is AN ACT CONCERNING CHILD DAYCARE SERVICES, YOUTH CAMPS, AND THE EMERGENCY DISTRIBUTION OF POTASSIUM IODIDE TABLETS IN CERTAIN FACILITIES.

The potassium iodide is a chemical which is distributed in case of a nuclear mishap or disaster or nuclear radiation contamination.

And we wish to make it mandatory that all daycare and summer camp areas that are in the cone of an accident which may possibly occur have the responsibility to check with a parent or guardian and distribute potassium iodide should the unfortunate happening ever occur that we have a nuclear accident here in Connecticut. We hope our efforts in those of the nuclear regulating body will keep this from happening.

Senate Bill 1190 is AN ACT CONCERNING VITAL RECORDS. As that act moves forward, we wish to include a provision for having investigations of people who handle vital records in Connecticut.

There is pending federal legislation which will mandate how often that is done. We wish to be able to dovetail our statute with that so that individuals handling birth and death records are certified and are inspected.

Obviously, this relates to national security and even more obviously to theft of identifies or created identities on the basis of birth and/or death certificates.

If there are questions I will be glad to answer them. If you would like to get into any of the agenda in detail I will subject experts come and join me to discuss these. Thank you.

144
rls

PUBLIC HEALTH

February 26, 2007

ANITA SHEPKER: I think we're saying the same thing differently.

REP. O'BRIEN: Right. Thank you, Madam Chair.

SEN. HANDLEY: Thank you very much.

REP. SAYERS: We'll now move on to House Bill 7160.
And the speaker is Jonathan Woyasz.

JONATHAN WOYASZ: Good afternoon, Representative SB1190
Sayers and Members of the Public Health
Committee. My name is Jonathan Woyasz. I'm
currently president of the Connecticut Funeral
Directors Association and also the owner of the
Woyasz & Son Funeral Home in Norwich, right in
the heart of Indian country.

I'm here today on behalf of the Connecticut
Funeral Directors Association to testify on
House [Gap in testimony. Changing from Tape 2B
to Tape 3A.]

--Bill 1190. I just want to take a moment to
thank all the Members of this Committee, its
leadership, the Department of Public Health,
the Board of Examiners, and the Attorney
General's Office for their time in drafting
these important proposals to the funeral
industry.

First in regards to House Bill 7160, AN ACT
CONCERNING FUNERALS, CFDA supports the intent
of this legislation. This bill clarifies for
funeral directors the procedures of final
disposition of bodies brought to Connecticut
from another state.

145
rls

PUBLIC HEALTH

February 26, 2007

Based on a meeting last week, the Attorney General's Office will be offering an amendment to clarify and bring consistency to this bill. CFDA supports that proposed amendment.

In Section 7, CFDA supports requiring funeral directors to take two continuing education hours each year in Federal Trade Commission regulations as well as federal and state laws.

Given the complexity and ever changing laws and regulations governing funeral service, this change will serve the public and funeral directors well.

CFDA does request a technical amendment to this section to allow funeral directors a year from their first license renewal to complete these continuing education courses. We have attached an amendment to this testimony for your consideration.

In regards to Senate Bill 1190, AN ACT CONCERNING VITAL RECORDS, following a discussion with the Department of Public Health, we recommend the deletion of sections three, four, six, seven and eight.

These sections would have permitted funeral directors to file death certificates in the town where their business is located rather than the town of death as required under current statute.

Though on paper this proposal seemed to work well, CFDA agrees with DPH that such a change

could be problematic for the department in tracking missing death certificates.

In lieu of these deleted sections, CFDA would request an amended House Bill 7160, which would allow funeral directors to obtain a burial permit from the register in which their business is located, rather than obtaining burial permits from the town.

I have attached an amendment for this legislation. We have written testimony that has been submitted to the Committee.

REP. SAYERS: Representative Malone.

REP. MALONE: Thank you, Madam.

REP. SAYERS: I pushed the wrong button and it dings.

REP. MALONE: [inaudible - microphone not on]. Just give me an overall. You don't have to look through them. We can work with you on this stuff.

JONATHAN WOYASZ: Okay.

REP. MALONE: There have been some high-profile cases. If you'll allow me a little bit of leeway here, Madam Chairwoman. I'll get to a question. There have been some high-profile cases for funeral directors who haven't acted--

JONATHAN WOYASZ: Quite up to standards?

REP. MALONE: So this is a result of that?

147
rls

PUBLIC HEALTH

February 26, 2007

JONATHAN WOYASZ: One of them is, it's sort of a paperwork issue as far as the death certificates. The continuing education is certainly geared towards those individuals.

REP. MALONE: Well, one of the things we want to work with you on, and make sure we don't go too far. Sometimes, I know people find it hard to believe, but sometimes the Legislature will go a little too far when we respond to certain things.

So we want to work very closely with you to make sure that we don't make your business any harder than it is to do business, although while keeping up the safety of the public and the public health interest to the public.

But thank you for coming here today. Appreciate your willingness to do so and your testimony. Thank you, Madam Chairwoman.

REP. SAYERS: Thank you. Thank you, Sir, very much for your testimony. We now move on to House Bill 61, no, we won't. We'll go right past that.

The next bill that we have testimony on is House Bill 5309, and the first speaker is Wayne Wright, to be followed by Robert McKeon. Wayne Wright? Robert McKeon?

ROBERT MCKEON: Good afternoon, Madam Chair and distinguished Members. I want to thank you for the opportunity to respond to House Bill 5309.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE February 26, 2007

Meg Hooper, Chief, Planning Branch, Office of Vital Records, 860-509-7218

Senate Bill 1190 - An Act Concerning Vital Records

The Department of Public Health supports Senate Bill 1190 in part. We are opposed to certain sections of the bill. The Department supports sections 1, 2, 5, 9, 10, 11, 12, and 13 of the bill. The Department opposes sections 3, 4, 6, 7, 8, and 14.

Section 1 of the bill proposes that a criminal history records check be conducted on all persons applying for employment in the State Vital Records Office. The Department strongly supports this measure for several reasons:

- o The Department will be better able to secure vital records by knowing the criminal history of a potential employee, and preventing the hiring of an individual with an inappropriate criminal past. The security of vital records is essential because the theft of a birth certificate, or the supplies to fabricate one, can assist law breaking individuals in creating false identities. With a birth certificate that appears valid on its face, other identifying documents such as a driver's license or passport can be obtained. Such fraud has implications for national security, imposter fraud, as well as on the increasing incidents of identity theft.
- o It will allow the State Vital Records Office to conform to the regulations proposed by the US Department of Health and Human Services to implement the 2004 federal Intelligence Reform and Terrorism Prevention Act.

The Department also supports Sections 2 and 9 which allow a nurse midwife who has delivered a fetus born dead, to sign the fetal death certificate, as well as the technical changes made in sections 5, 10, 11, 12, and 13 of the bill, that clarify existing statutes.

The Department does not support the changes made in sections 3, 4, 6, 7, and 8. The bill would give funeral directors the option of filing a death certificate either in the town where death occurred or in the town where the funeral home that is carrying out the disposal of the body is located. With an option of where to file the death certificate, the State's efforts to track a death certificate that is missing or improperly filed will become more problematic. Under current law when the State Vital Records Office learns that a death certificate is missing, we are able to track it down more readily because we know with certainty where the death certificate was supposed to be filed – at the town where death occurred. Under this proposal, the State Vital Records Office will no longer know where the death certificate is originally filed, and with which of the 169 towns to follow-up. For this essential reason – the inability of the State Vital Records Office to track down missing death certificates – we oppose this measure. Furthermore, the Department will incur costs to carry out this measure. The Department's data system, the DPH data entry vendor, and the death certificate will need to be updated to capture the town of filing.

Phone:

Telephone Device for the Deaf: (860) 509-7191

410 Capitol Avenue - MS # _____

P.O. Box 340308 Hartford, CT 06134

Affirmative Action / An Equal Opportunity Employer



Senate Bill 1190
Page 2 of 2
February 26, 2007

In addition to our concerns about the overall objective of the bill, we would also like to address a few technical issues:

- Section 3(a) requires the registrar of the town where the funeral home is located to send a copy of the record to the town of occurrence. The language is not clear about which town is responsible for sending a copy of the record to the State Vital Records Office.
- The use of the term "originated" as used in the new language of section 6, 7, and 8 of the bill is unclear. The language is being changed from "the town in which the vital event [occurred]" to "the town in which the vital event originated." This use of the term "originated" is intended to capture both situations – certificates that are filed at the town of death and certificates that are filed at the town where the funeral director is located. We believe that the term "originated" does not effectively convey the intended meaning.
- In section 8 of the bill, a comma should be inserted as follows:
 - "If death occurred in this state, the death certificate required by law shall be filed with the registrar of vital statistics for the town in which such person died, if known, or, if not known, for the town in which the body was found, or the town in which the funeral home having charge of the body is located."

Without the comma, the language can be interpreted to allow the death certificate to be filed at the town of the funeral home's location ONLY when the town of death is not known. Since the intent of the bill is to allow the filing of the death certificate at the town of the funeral home's location regardless of whether or not the town of death is known, the comma needs to be added.

- Language needs to be added to the bill to make it clear that a funeral home with several locations, or a corporate headquarter, does not have the option of filing the death certificate in any of the towns that it operates, but only in the town of the funeral home that handles and prepares the body for disposal.

Lastly, the Department is opposed to section 14 of the bill which authorizes the Commissioner of Public Health to amend birth certificates when sufficient documentary evidence is provided. We oppose this because it is unnecessary. Current statutes and regulations already provide such authority to the Commissioner as well as to all the local registrars.

Thank you for your consideration of the Department's views on this bill.

002359

Connecticut Funeral Directors Association, Inc.

350 Silas Deane Highway, Suite 202
Wethersfield, CT 06109
(860) 721-0234

Written Testimony of
Jonathan Woyasz, President
Connecticut Funeral Directors Association, Inc.

House Bill 7160, An Act Concerning Funerals

House Bill 7163, An Act Concerning Revisions to Department of Public Health Statutes

Senate Bill 1190, An Act Concerning Vital Records

February 26, 2007
General Assembly's Public Health Committee

Good morning Senator Handley, Representative Sayers and members of the Public Health Committee, my name is Jonathan Woyasz, I'm President of the Connecticut Funeral Directors Association and I am also the owner of Woyasz and Son Funeral Home in Norwich. On behalf of CFDA, I am here to testify on House Bill 7160, 7163 and Senate Bill 1190. I wish to thank this committee, its leadership, the Department of Public Health, the Attorney General's office and the Embalmers Board for their time in drafting these important proposals to the funeral industry.

First in regards to House Bill 7160, "An Act Concerning Funerals," CFDA supports the intent of this legislation. This bill clarifies for funeral directors the procedures for final disposition of bodies brought to Connecticut from another state. Based on a meeting last week, the Attorney General's office will be offering an amendment to clarify and bring consistency to this bill. CFDA supports that proposed amendment.

In section 7, CFDA supports requiring funeral directors to take continue education hours each year in Federal Trade Commission regulations as well as federal and state laws. Given the complexity and ever changing laws and regulations governing funeral services this change will serve the public and funeral directors well. CFDA does request a technical amendment to this section allow funeral directors a year from their first license renewal to complete these continue education courses. I've attached an amendment to this testimony for your consideration.

In regards, to Senate Bill 1190, "An Act Concerning Vital Records," following a discussion with the Department of Public Health we recommend the deletion of sections 3, 4, 6, 7 and 8. These sections would have permitted funeral directors to file death certificates in the town where their business is located rather than in the town of death as required under current statute. Though on paper this proposal seemed to work well, CFDA agrees with DPH that such a change could be problematic for the Department in tracking missing death certificates.

Page 2
Mr. Woyasz
Connecticut Funeral Directors Association

In lieu of these deleted sections, CFDA would request an amendment to House Bill 7160 allowing funeral directors to obtain a burial permit from the registrar of the town in which their business is located rather than obtaining the burial permit in the town of death. I've attached an amendment to this legislation for your review.

In regards to House Bill 7163, "An Act Concerning Revisions to Public Health Statutes," CFDA supports section 34 which requires funeral homes to retain records for not less than 3-years from final disposition.

Finally, CFDA will be submitting an amendment for consideration by this committee; this amendment will address an outdated regulation in regards to the preparation and transportation of bodies. This regulation does not conform to current industry standards for safe practice. Funeral Directors in compliance with safe industry standards and practices have been found to be in violation of this outdated regulation (19a-36-A39). Given the often long regulatory process, we ask that you consider a statutory change to this regulation to avoid the conflict outlined above.

Thank you for your attention to these matters, I would be glad to answer any questions.