

By: Hancock

S.B. No. 733

A BILL TO BE ENTITLED

AN ACT

relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 341.064, Health and Safety Code, is amended to read as follows:

Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS, AND BATHHOUSES.

SECTION 2. Sections 341.064(a), (b), (c), (e), (f), (g), (i), (j), (k), (l-1), (m), (n), and (o), Health and Safety Code, are amended to read as follows:

(a) An owner, manager, operator, or other attendant in charge of a public swimming pool or an artificial swimming lagoon shall maintain the public swimming pool or artificial swimming lagoon in a sanitary condition.

(b) The bacterial content of the water in a public swimming pool or in an artificial swimming lagoon may not exceed the safe limits prescribed by department standards. A minimum free residual chlorine of 2.0 parts for each one million units of water in a public spa and a minimum free residual chlorine of 1.0 part for each one million units of water in other public swimming pools or in artificial swimming lagoons, or any other method of disinfectant approved by the department, must be maintained in a public swimming

1 pool in use or in an artificial swimming lagoon in use.

2 (c) Water in a public swimming pool or in an artificial  
3 swimming lagoon [~~open to the public~~] may not show an acid reaction  
4 to a standard pH test.

5 (e) Facilities shall be provided in a public swimming pool  
6 or in an artificial swimming lagoon for adequate protection of  
7 bathers against sputum contamination.

8 (f) A person known to be or suspected of being infected with  
9 a transmissible condition of a communicable disease shall be  
10 excluded from a public swimming pool and from an artificial  
11 swimming lagoon.

12 (g) The construction and appliances of a public swimming  
13 pool and of an artificial swimming lagoon must be such as to reduce  
14 to a practical minimum the possibility of drowning or of injury to  
15 bathers. The construction after September 4, 1945, of a public  
16 swimming pool or the construction after September 1, 2017, of an  
17 artificial swimming lagoon must conform to good public health  
18 engineering practices.

19 (i) Dressing rooms of a public swimming pool or of an  
20 artificial swimming lagoon shall contain shower facilities.

21 (j) A comb or hairbrush used by two or more persons may not  
22 be permitted or distributed in a bathhouse of a public swimming pool  
23 or of an artificial swimming lagoon.

24 (k) The operator or manager of a public swimming pool or of  
25 an artificial swimming lagoon shall provide adequate and proper  
26 approved facilities for the disposal of human excreta by the  
27 bathers.

(1-1) Rules adopted under this chapter may not prohibit the consumption of food or beverages in a public swimming pool or in an artificial swimming lagoon that is privately owned and operated.

(m) In this section:

(1) "Artificial swimming lagoon" means an artificial body of water open to the public for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a disinfection system. The term includes only the portion of the body of water that is designated for swimming.

(2) "Public~~[, — "public]~~ swimming pool" means an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports, or therapeutic purposes. The term does not include an artificial swimming lagoon.

(n) A county or municipality may:

(1) require that the owner or operator of a public swimming pool or of an artificial swimming lagoon within the jurisdiction of the county or municipality obtain a permit for operation of the public swimming pool or artificial swimming lagoon;

(2) inspect a public swimming pool or an artificial swimming lagoon within the jurisdiction of the county or municipality for compliance with this section; and

(3) impose and collect a reasonable fee in connection with a permit or inspection required under this subsection provided the following are met:

(A) the auditor for the county shall review the

1 program every two years to ensure that the fees imposed do not  
2 exceed the cost of the program; and

3 (B) the county refunds the permit holders any  
4 revenue determined by the auditor to exceed the cost of the program.

5 (o) A county or municipality may by order close, for the  
6 period specified in the order, a public swimming pool or an  
7 artificial swimming lagoon within the jurisdiction of the county or  
8 municipality if the operation of the public swimming pool or  
9 artificial swimming lagoon violates this section or a permitting or  
10 inspection requirement imposed by the county or municipality under  
11 Subsection (n).

12 SECTION 3. Section 341.0645(a), Health and Safety Code, is  
13 amended to read as follows:

14 (a) An owner, manager, operator, or other attendant in  
15 charge of a public swimming pool as defined by Section 341.064,  
16 wading pool, baby pool, hot tub, in-ground spa, water park, spray  
17 fountain, or other artificial body of water typically used for  
18 recreational swimming, bathing, or play shall comply with pool  
19 safety standards adopted under this section.

20 SECTION 4. Section 481.134(a), Health and Safety Code, is  
21 amended by adding Subdivision (4-a) to read as follows:

22 (4-a) "Public swimming pool" has the meaning assigned  
23 by Section 341.064.

24 SECTION 5. As soon as practicable after the effective date  
25 of this Act, the executive commissioner of the Health and Human  
26 Services Commission shall adopt rules necessary to implement the  
27 changes in law made by this Act.

1           SECTION 6. The changes in law made by this Act apply only to  
2 an offense committed on or after the effective date of this Act. An  
3 offense committed before the effective date of this Act is governed  
4 by the law in effect on the date the offense was committed, and the  
5 former law is continued in effect for that purpose. For purposes of  
6 this section, an offense was committed before the effective date of  
7 this Act if any element of the offense occurred before that date.

8           SECTION 7. This Act takes effect September 1, 2017.