

By: Goodwin, Guerra, Toth, et al.

H.B. No. 1676

Substitute the following for H.B. No. 1676:

By: Klick

C.S.H.B. No. 1676

A BILL TO BE ENTITLED

1 AN ACT
2 relating to child water safety requirements for certain
3 organizations; authorizing disciplinary action, including an
4 administrative penalty.

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

6 SECTION 1. This Act may be cited as Cati's Act.

7 SECTION 2. Subchapter D, Chapter 341, Health and Safety
8 Code, is amended by adding Section 341.0646 to read as follows:

9 Sec. 341.0646. CHILD WATER SAFETY REQUIREMENTS FOR CERTAIN
10 ORGANIZATIONS. (a) In this section:

11 (1) "Body of water" means an artificial or natural
12 body of water, including a swimming pool, lake, or river, typically
13 used for recreational swimming, bathing, or play. The term does not
14 include a wading pool.

15 (2) "Child" means an individual under 18 years of age.

16 (3) "Wading pool" means a pool, including a pool that
17 contains a public interactive water feature and fountain as defined
18 by department rule, with a maximum water depth of not more than 18
19 inches.

20 (b) This section does not apply to a youth camp licensed
21 under Chapter 141.

22 (c) An organization, including a day camp, youth camp,
23 school, preschool, kindergarden, nursery school, child-care
24 facility as defined by Section 42.002, Human Resources Code, or any

1 other facility providing child-care services licensed by the Health
2 and Human Services Commission that takes a child in its care or
3 under its supervision to a body of water or otherwise allows a child
4 access to a body of water shall:

5 (1) require the child's parent or legal guardian to
6 affirm in writing whether the child is able to swim or is at risk of
7 injury or death when swimming or otherwise accessing a body of
8 water; and

9 (2) if the organization does not own or operate the
10 body of water, provide the owner or operator of the body of water a
11 written or electronic disclosure that clearly identifies each child
12 who is unable to swim or is at risk of injury or death when swimming
13 or accessing a body of water.

14 (d) Except as provided by Subsection (e), during the time
15 each child who is unable to swim or is at risk of injury or death
16 when swimming or accessing a body of water is present within a
17 fenced-in area around a body of water or within 100 feet of a body of
18 water without a fenced-in area, the organization shall:

19 (1) provide to the child:

20 (A) for a natural body of water, a properly
21 fitted and fastened Type II United States Coast Guard approved
22 personal flotation device; or

23 (B) for an artificial body of water, a properly
24 fitted and fastened Type II or Type III United States Coast Guard
25 approved personal flotation device; and

26 (2) ensure the child is wearing the appropriate
27 personal flotation device and the device is properly fitted and

1 fastened for the child.

2 (e) The organization is not required to provide a child with
3 a flotation device under Subsection (d) if:

4 (1) the child is actively participating in swim
5 instruction; and

6 (2) the organization ensures that each child
7 participating in the instruction is closely supervised during the
8 instruction.

9 (f) An organization licensed or otherwise regulated by this
10 state that violates this section or rules adopted under this
11 section is subject to disciplinary action, including the imposition
12 of an administrative penalty, by any state regulatory agency with
13 the power to take disciplinary action against that organization as
14 if the organization violated the organization's licensing or other
15 regulatory laws or rules.

16 (g) The executive commissioner may adopt rules necessary to
17 implement this section.

18 SECTION 3. This Act takes effect September 1, 2021.