

AN ACT

relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.

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

SECTION 1. Section 341.0645, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (c), (d), (e), (f), and (g) to read as follows:

(b) The executive commissioner shall adopt by rule pool safety standards necessary to prevent drowning. The standards must:

(1) be at least as stringent as those imposed under the federal Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. Section 8001 et seq.); and

(2) comply with and adopt by reference a version of the International Swimming Pool and Spa Code, as defined by Section 214.103, Local Government Code, that is not older than the version in effect on May 1, 2019, regarding all construction, alteration, renovation, enlargement, and repair of commercial swimming pools and spas.

(c) Notwithstanding Subsection (b), the department is not required to adopt Chapter 1 of the International Swimming Pool and Spa Code.

(d) Subsection (b) does not affect requirements for pool yard enclosure imposed under Chapter 757.

(e) The executive commissioner by rule shall authorize a

1 minor addition, alteration, renovation, or repair to an existing
2 pool or spa and related mechanical, electrical, and plumbing
3 systems in the same manner and arrangement as the executive
4 commissioner authorized the construction of the pool or spa and
5 related mechanical, electrical, and plumbing systems.

6 (f) A person may use, maintain, and repair a pool or spa that
7 was in compliance with the laws of this state on August 31, 2021,
8 and related mechanical, electrical, and plumbing systems in
9 accordance with the laws applicable to the pool or system on that
10 date.

11 (g) Notwithstanding Subsection (b)(2), this section does
12 not affect the authority of the executive commissioner to adopt
13 rules regarding pool operation and management, water quality,
14 safety standards unrelated to design and construction, signage, and
15 enclosures.

16 SECTION 2. Section 214.103, Local Government Code, is
17 amended by amending Subsection (b) and adding Subsection (b-1) to
18 read as follows:

19 (b) To protect the public health, safety, and welfare, the
20 International Swimming Pool and Spa Code, as it existed on May 1,
21 2019, is adopted as the municipal swimming pool and spa code in this
22 state. A municipality may adopt a more recent version of the
23 International Swimming Pool and Spa Code to apply in the
24 municipality.

25 (b-1) To the extent a provision of a code adopted by a
26 municipality under Subsection (b) conflicts with a law of this
27 state or a regulation on pool operation and management, water

1 quality, safety standards unrelated to design and construction,
2 signage, or enclosures, the law or regulation controls.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2205 was passed by the House on April 29, 2021, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2205 on May 28, 2021, by the following vote: Yeas 132, Nays 14, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2205 was passed by the Senate, with amendments, on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor