

By: Goodwin, Guerra, Jetton, Troxclair,
et al.

H.B. No. 59

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 younger than 12 years
16 of age.

17 (3) "Organized water activity" means an activity an
18 organization conducts in which a participant will enter or travel
19 on a body of water as part of the activity.

20 (4) "Wading pool" means a pool, including a pool that
21 contains a public interactive water feature and fountain as defined
22 by department rule, with a maximum water depth of not more than 18
23 inches.

24 (b) This section does not apply to:

1 (1) a youth camp licensed under Chapter 141; or

2 (2) a residential child-care facility as defined by
3 Section 42.002, Human Resources Code.

4 (c) An organization, including a day camp, youth camp,
5 school, preschool, kindergarten, nursery school, child-care
6 facility as defined by Section 42.002, Human Resources Code, or any
7 other facility providing child-care services licensed by the Health
8 and Human Services Commission that authorizes a child to engage in
9 an organized water activity shall:

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

14 (2) except as provided by Subsection (d):

15 (A) provide to each child who is unable to swim or
16 is at risk of injury or death when swimming or otherwise entering a
17 body of water a properly fitted and fastened Type I, II, or III
18 United States Coast Guard approved personal flotation device or a
19 device the executive commissioner determines is equivalent; and

20 (B) ensure the child is wearing the personal
21 flotation device and the device is properly fitted and fastened for
22 the child.

23 (d) The organization is not required to provide a child with
24 a flotation device or ensure the child is wearing the device under
25 Subsection (c)(2) if:

26 (1) the child is actively participating in swim
27 instruction; and

1 (2) the organization ensures each child participating
2 in the instruction is closely supervised during the instruction.

3 (e) An organization licensed or otherwise regulated by this
4 state that violates this section or rules adopted under this
5 section is subject to disciplinary action, including the imposition
6 of an administrative penalty, by any state regulatory agency with
7 the power to impose disciplinary action on that organization as if
8 the organization violated the agency's licensing or other
9 regulatory laws or rules.

10 (f) The executive commissioner may adopt rules necessary to
11 implement this section.

12 SECTION 3. This Act takes effect September 1, 2023.