

1-1 By: Goodwin, et al. (Senate Sponsor - Zaffirini) H.B. No. 59
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 4, 2023, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 8, 2023, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 8, 2023, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | | | X | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to child water safety requirements for certain
 1-20 organizations; authorizing disciplinary action, including an
 1-21 administrative penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. This Act may be cited as Cati's Act.

1-24 SECTION 2. Subchapter D, Chapter 341, Health and Safety
 1-25 Code, is amended by adding Section 341.0646 to read as follows:

1-26 Sec. 341.0646. CHILD WATER SAFETY REQUIREMENTS FOR CERTAIN
 1-27 ORGANIZATIONS. (a) In this section:

1-28 (1) "Body of water" means an artificial or natural
 1-29 body of water, including a swimming pool, lake, or river, typically
 1-30 used for recreational swimming, bathing, or play. The term does not
 1-31 include a wading pool.

1-32 (2) "Child" means an individual younger than 12 years
 1-33 of age.

1-34 (3) "Organized water activity" means an activity an
 1-35 organization conducts in which a participant will enter or travel
 1-36 on a body of water as part of the activity.

1-37 (4) "Wading pool" means a pool, including a pool that
 1-38 contains a public interactive water feature and fountain as defined
 1-39 by department rule, with a maximum water depth of not more than 18
 1-40 inches.

1-41 (b) This section does not apply to:

1-42 (1) a youth camp licensed under Chapter 141; or

1-43 (2) a residential child-care facility as defined by
 1-44 Section 42.002, Human Resources Code.

1-45 (c) An organization, including a day camp, youth camp,
 1-46 school, preschool, kindergarten, nursery school, child-care
 1-47 facility as defined by Section 42.002, Human Resources Code, or any
 1-48 other facility providing child-care services licensed by the Health
 1-49 and Human Services Commission that authorizes a child to engage in
 1-50 an organized water activity shall:

1-51 (1) require the child's parent or legal guardian to
 1-52 affirm in writing whether the child is able to swim or is at risk of
 1-53 injury or death when swimming or otherwise accessing a body of
 1-54 water; and

1-55 (2) except as provided by Subsection (d):

1-56 (A) provide to each child who is unable to swim or
 1-57 is at risk of injury or death when swimming or otherwise entering a
 1-58 body of water a properly fitted and fastened Type I, II, or III
 1-59 United States Coast Guard approved personal flotation device or a
 1-60 device the executive commissioner determines is equivalent; and

1-61 (B) ensure the child is wearing the personal

2-1 flotation device and the device is properly fitted and fastened for
2-2 the child.

2-3 (d) The organization is not required to provide a child with
2-4 a flotation device or ensure the child is wearing the device under
2-5 Subsection (c)(2) if:

2-6 (1) the child is actively participating in swim
2-7 instruction; and

2-8 (2) the organization ensures each child participating
2-9 in the instruction is closely supervised during the instruction.

2-10 (e) An organization licensed or otherwise regulated by this
2-11 state that violates this section or rules adopted under this
2-12 section is subject to disciplinary action, including the imposition
2-13 of an administrative penalty, by any state regulatory agency with
2-14 the power to impose disciplinary action on that organization as if
2-15 the organization violated the agency's licensing or other
2-16 regulatory laws or rules.

2-17 (f) The executive commissioner may adopt rules necessary to
2-18 implement this section.

2-19 SECTION 3. This Act takes effect September 1, 2023.

2-20 * * * * *