

## **BILL ANALYSIS**

C.S.H.B. 2395  
By: McCall  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas Department of State Health Services promulgated rules relating to standards for swimming pools that went into effect September 1, 2004. Prior to the rule change by the DSHS on September 1, 2004, the rules regulating diving boards in older pools were less strict. The current rule had the effect of rendering older swimming pools non-compliant in the absence of any renovation, removal, or remodeling of diving board platforms and/or structural pool changes that adhered to the new administrative rule.

Many older public swimming pools across this state do not have sufficient funds and resources to pay the costs associated with conforming to the new regulations. The purpose of CSHB 2395 is grandfather older pools by allowing the current regulations to be waived by the department if an older pool can meet certain requirements.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2395 allows for older swimming pools to be granted a waiver by the DSHS from current law if the owner or operator of the public swimming pool carries at least \$1,000,000 of liability insurance and the pool's safety record does not include a serious injury attributable to the depth of or the spacing of diving equipment in a diving facility at the pool, if the diving facility was constructed before October 1, 1970 and has the same configuration as the facility had on September 1, 2004.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute adds the requirement that a pool have at least \$1,000,000 of liability insurance rather than "sufficient liability insurance".

The substitute narrows the class of public swimming pools that may apply for a waiver by requiring that a pool be constructed before October 1, 1970 and has the same configuration as the facility had on September 1, 2004.