

BILL ANALYSIS

Senate Research Center

C.S.S.B. 971
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there is no law requiring retailers of swimming pools to include proper safety products when selling and installing a swimming pool in a single-family home. Current statistics estimate 250 children under the age of five drown in swimming pools annually. In 2004, the United States Consumer Product Safety Commission launched a drowning prevention campaign as part of an intensive initiative to prevent such deaths from occurring. Drowning is the second leading cause of unintentional deaths for children under age five. In 2002, an estimated 1,600 children were also treated in hospital emergency rooms for submersion injuries. Many of these deaths and injuries occur in residential swimming pools. By requiring certain safety products to be sold when a swimming pool is installed in a single-family home, swimming pool deaths and injuries may be prevented and the life of a child may be saved.

C.S.S.B. 971 requires the Department of State Health Services (DSHS) to establish voluntary pool safety recommendations for pools at one-family and two-family residences for pool safety equipment, pool yard enclosures, and devices, construction methods, materials, suction outlets, or systems designed to protect against the risk of injury or death due to all forms of entrapment or hair entanglement on suction outlets. This bill also provides for the distribution requirements of this information to consumers and provides protection against liability under this chapter for certain persons.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 9, Health and Safety Code, by adding Chapter 761, as follows:

CHAPTER 761. POOL SAFETY AT ONE-FAMILY AND TWO-FAMILY DWELLINGS

Sec. 761.001. **SHORT TITLE.** Authorizes this chapter to be cited as the Drowning Prevention and Swimming Pool Safety Act.

Sec. 761.002. **DEFINITIONS.** Defines "department," "pool," "pool yard," "pool yard enclosure" or "enclosure," "self-closing device," "self-latching device," and "suction outlet."

Sec. 761.003. **VOLUNTARY POOL SAFETY RECOMMENDATIONS.** (a) Requires the Department of State Health Services (DSHS) to establish voluntary pool safety recommendations for pools at one-family and two-family residences for pool safety equipment, including covers; pool yard enclosures, including self-closing and self-latching devices for gates in the enclosures; and devices, construction methods, materials, suction outlets, or systems designed to protect against the risk of injury or death due to all forms of entrapment or hair entanglement on suction outlets.

(b) Requires DSHS to consider the risk of children drowning and entrapment or hair entanglement in establishing the voluntary pool safety recommendations.

Sec. 761.004. CONSUMER INFORMATION. (a) Requires DSHS to provide the voluntary pool safety recommendations adopted under Section 761.003 on the DSHS Internet website.

(b) Requires a person who sells or manufactures pools to provide the buyer of a pool with information on the voluntary pool safety recommendations established by DSHS by giving the buyer a copy of the recommendations or the address of the Internet website on which the recommendations may be viewed.

Sec. 761.005. LIABILITY. Prohibits this chapter from being construed to create or abrogate any liability on behalf of a person who sells or manufactures pools for an injury that arises from the failure to comply with Section 761.004 or constitutes evidence of a standard of care.

SECTION 2. Amends the heading to Chapter 757, Health and Safety Code, to read as follows:

CHAPTER 757. POOL YARD ENCLOSURES AT CERTAIN DWELLINGS

SECTION 3. Effective date: September 1, 2007.