

By: Van de Putte

S.B. No. 971

A BILL TO BE ENTITLED

AN ACT

relating to swimming pool safety.

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

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 761 to read as follows:

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

Sec. 761.001. SHORT TITLE. This chapter may be cited as the Drowning Prevention and Swimming Pool Safety Act.

Sec. 761.002. DEFINITIONS. In this chapter:

(1) "Department" means the Department of State Health Services.

(2) "Pool" means a permanent swimming pool, permanent wading pool, or permanent hot tub or spa over 18 inches deep that is located at ground level, aboveground, belowground, or indoors. The term does not include a bay, lake, pond, bayou, river, creek, stream, spring, reservoir, stock tank, culvert, drainage ditch, detention pond, decorative fountain that is not built or intended to be used for immersion purposes, or other flood or drainage facility.

(3) "Pool yard" means an area that contains a pool.

(4) "Pool yard enclosure" or "enclosure" means a fence, wall, or combination of fences, walls, or gates that completely surrounds a pool. A pool yard enclosure may enclose the pool deck, landscaped areas, and other areas beyond the pool.

1 (5) "Self-closing device" means a device that causes a
2 gate to automatically close without human or electrical power after
3 it has been opened.

4 (6) "Self-latching device" means a device that causes
5 a gate to automatically latch without human or electrical power
6 when the gate closes.

7 (7) "Suction outlet" means the aperture or fitting
8 through which water is drawn from a pool.

9 Sec. 761.003. VOLUNTARY POOL SAFETY RECOMMENDATIONS.

10 (a) The department shall establish voluntary pool safety
11 recommendations for pools at one-family and two-family residences
12 for:

13 (1) pool safety equipment, including covers;

14 (2) pool yard enclosures, including self-closing and
15 self-latching devices for gates in the enclosures; and

16 (3) devices, construction methods, materials, suction
17 outlets, or systems designed to protect against the risk of injury
18 or death due to all forms of entrapment or hair entanglement on
19 suction outlets.

20 (b) In establishing the voluntary pool safety
21 recommendations, the department shall consider:

22 (1) the risk of children drowning; and

23 (2) the risk of entrapment or hair entanglement.

24 Sec. 761.004. CONSUMER INFORMATION. (a) The department
25 shall provide the voluntary pool safety recommendations adopted
26 under Section 761.003 on the department's Internet website.

27 (b) A person who sells or manufactures pools shall provide

1 the buyer of a pool with information on the voluntary pool safety
2 recommendations established by the department by giving the buyer a
3 copy of the recommendations or the address of the Internet website
4 on which the recommendations may be viewed.

5 Sec. 761.005. LIABILITY. This chapter may not be construed
6 to:

7 (1) create or abrogate any liability on behalf of a
8 person who sells or manufactures pools for an injury that arises
9 from the failure to comply with Section 761.004; or

10 (2) constitute evidence of a standard of care.

11 SECTION 2. The heading to Chapter 757, Health and Safety
12 Code, is amended to read as follows:

13 CHAPTER 757. POOL YARD ENCLOSURES AT CERTAIN DWELLINGS

14 SECTION 3. This Act takes effect September 1, 2007.