

1-1 By: Van de Putte S.B. No. 971
1-2 (In the Senate - Filed February 27, 2007; March 7, 2007,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 30, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 1, 1 present not
1-6 voting; April 30, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 971 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to swimming pool safety.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle A, Title 9, Health and Safety Code, is
1-13 amended by adding Chapter 761 to read as follows:

1-14 CHAPTER 761. POOL SAFETY AT ONE-FAMILY AND TWO-FAMILY DWELLINGS

1-15 Sec. 761.001. SHORT TITLE. This chapter may be cited as the
1-16 Drowning Prevention and Swimming Pool Safety Act.

1-17 Sec. 761.002. DEFINITIONS. In this chapter:

1-18 (1) "Department" means the Department of State Health
1-19 Services.

1-20 (2) "Pool" means a permanent swimming pool, permanent
1-21 wading pool, or permanent hot tub or spa over 18 inches deep that is
1-22 located at ground level, aboveground, belowground, or indoors. The
1-23 term does not include a bay, lake, pond, bayou, river, creek,
1-24 stream, spring, reservoir, stock tank, culvert, drainage ditch,
1-25 detention pond, decorative fountain that is not built or intended
1-26 to be used for immersion purposes, or other flood or drainage
1-27 facility.

1-28 (3) "Pool yard" means an area that contains a pool.

1-29 (4) "Pool yard enclosure" or "enclosure" means a
1-30 fence, wall, or combination of fences, walls, or gates that
1-31 completely surrounds a pool. A pool yard enclosure may enclose the
1-32 pool deck, landscaped areas, and other areas beyond the pool.

1-33 (5) "Self-closing device" means a device that causes a
1-34 gate to automatically close without human or electrical power after
1-35 it has been opened.

1-36 (6) "Self-latching device" means a device that causes
1-37 a gate to automatically latch without human or electrical power
1-38 when the gate closes.

1-39 (7) "Suction outlet" means the aperture or fitting
1-40 through which water is drawn from a pool.

1-41 Sec. 761.003. VOLUNTARY POOL SAFETY RECOMMENDATIONS.

1-42 (a) The department shall establish voluntary pool safety
1-43 recommendations for pools at one-family and two-family residences
1-44 for:

1-45 (1) pool safety equipment, including covers;

1-46 (2) pool yard enclosures, including self-closing and
1-47 self-latching devices for gates in the enclosures; and

1-48 (3) devices, construction methods, materials, suction
1-49 outlets, or systems designed to protect against the risk of injury
1-50 or death due to all forms of entrapment or hair entanglement on
1-51 suction outlets.

1-52 (b) In establishing the voluntary pool safety
1-53 recommendations, the department shall consider:

1-54 (1) the risk of children drowning; and

1-55 (2) the risk of entrapment or hair entanglement.

1-56 Sec. 761.004. CONSUMER INFORMATION. (a) The department
1-57 shall provide the voluntary pool safety recommendations adopted
1-58 under Section 761.003 on the department's Internet website.

1-59 (b) A person who sells or manufactures pools shall provide
1-60 the buyer of a pool with information on the voluntary pool safety
1-61 recommendations established by the department by giving the buyer a
1-62 copy of the recommendations or the address of the Internet website
1-63 on which the recommendations may be viewed.

