

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 582
By: Davis
Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Drowning is the leading cause of injury-related death for children who are one to four years old, and is the fifth leading cause of unintentional injury death for people of all ages. More than 90 children die each year in Texas alone, and an additional 400 receive emergency care for nonfatal submersion injuries. Studies have shown that pool safety measures, such as a pool enclosure, can reduce drowning deaths by 80 percent or more. Well-placed safety measures are critical to curbing the tragic loss of life due to drowning in Texas.

C.S.S.B. 582 seeks to improve pool safety in the state by ensuring that all new pools and pool remodels are installed with proper safety devices such as a yard enclosure, a hot tub with a locking safety cover, a pool with an automatic power safety cover, or an exit alarm on each door providing access to the pool area and a swimming pool alarm that sounds on detection of accidental or unauthorized entrance into the water.

C.S.S.B. 582 amends current law relating to municipal swimming pool requirements for certain dwellings.

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. Authorizes that this Act be cited as the Residential Swimming Pool Safety Act in memory of Grayson James Satarino.

SECTION 2. Amends Subtitle A, Title 9, Health and Safety Code, by adding Chapter 761, as follows:

CHAPTER 761. MUNICIPAL SWIMMING POOL REQUIREMENTS FOR CERTAIN DWELLINGS

Sec. 761.001. INTERNATIONAL RESIDENTIAL CODE. (a) Provides that, to protect the public health, safety, and welfare, the International Residential Code (2012), Appendix G, "Swimming Pools, Spas and Hot Tubs," as it existed on January 1, 2012, excluding Sections AG101.2 and AG106, is adopted as the municipal residential swimming pool code in this state.

(b) Provides that the municipal residential swimming pool code applies to all construction, installation, alteration, remodeling, enlargement, and repair of residential swimming pools in a municipality in this state that adopts a building code.

(c) Authorizes a municipality to establish procedures:

(1) to adopt local amendments to the municipal residential swimming pool code; and

(2) for the administration and enforcement of the municipal residential swimming pool code.

(d) Authorizes a municipality to review and consider amendments made by the International Code Council to the International Residential Code (2012), Appendix G, "Swimming Pools, Spas and Hot Tubs" after January 1, 2012.

SECTION 3. Amends Section 214.101(a), Local Government Code, as follows:

(a) Requires a municipality that adopts a building code to by ordinance establish minimum standards for swimming pool fences and enclosures that comply at a minimum with Chapter 761, Health and Safety Code, and authorizes the municipality to adopt other ordinances as necessary to carry out this subchapter (Swimming Pool Enclosures), rather than authorizing a municipality to by ordinance establish minimum standards for swimming pool fences and enclosures, and authorizing the municipality to adopt other ordinances as necessary to carry out this subchapter. Requires that a municipal ordinance containing standards for a pool yard enclosure as defined by Chapter 757 (Pool Yard Enclosures), Health and Safety Code, rather than as defined by Chapter 757, Health and Safety Code, as added by Section 2, Chapter 517, Acts of the 73rd Legislature, 1993, contain the same standards for that enclosure as are required or permitted by that chapter of the Health and Safety Code.

SECTION 4. (a) Provides that Chapter 761, Health and Safety Code, as added by this Act, applies only to residential swimming pool construction, installation, alteration, remodeling, enlargement, or repair that begins under an agreement made on or after January 1, 2014, or that begins, in the absence of an agreement, on or after that date. Provides that residential swimming pool construction, installation, alteration, remodeling, enlargement, or repair that begins under an agreement made before January 1, 2014, or that begins, in the absence of an agreement, before that date is governed by the law in effect when the agreement was made or the activity began, as appropriate, and that law is continued in effect for that purpose.

(b) Requires municipalities, before January 1, 2014, to adopt ordinances, establish rules, and take other necessary actions to implement Chapter 761, Health and Safety Code, as added by this Act, and Section 214.101(a), Local Government Code, as amended by this Act.

SECTION 5. (a) Effective date, except as provided by Subsection (b) of this section: January 1, 2014.

(b) Effective date, Section 4(b) of this Act: September 1, 2013.