

BILL ANALYSIS

H.B. 2430
By: Kuempel
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties explain that the Department of State Health Services (DSHS) adopted rules in the past to regulate public swimming pools and spas, a majority of which were directed at construction and equipment requirements, but also including a rule prohibiting the consumption of food or beverages in a public swimming pool altogether. Noting that this rule is not currently being enforced at many establishments in Texas, such as those that operate swim-up bars that serve beverages or food to guests in the water, the parties assert that this situation may put these businesses at risk of not only immediate closure but also civil and criminal penalties if DSHS or a local regulatory authority chose to enforce this rule. H.B. 2430 seeks to amend current law to protect businesses that provide this popular service from being penalized on a technicality.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 2430 amends the Health and Safety Code to prohibit rules adopted under statutory provisions relating to minimum standards of sanitation and health protection measures from prohibiting the consumption of food or beverages in a public swimming pool that is privately owned and operated.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.