

BILL ANALYSIS

Senate Research Center
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H.B. 1468
By: Thompson, Senfronia (Hancock)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that artificial swimming lagoons do not use traditional swimming pool and spa technology and the parties raise concerns regarding the regulation of such bodies of water.

H.B. 1468 seeks to address these concerns by providing for certain minimum sanitation standards and health protection measures for an artificial swimming lagoon.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 341.064, Health and Safety Code, to read as follows:

Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS, AND BATHHOUSES.

SECTION 2. Amends Sections 341.064(a), (b), (c), (e), (f), (g), (i), (j), (k), (l-1), (m), (n), and (o), Health and Safety Code, as follows:

(a) Requires an owner, manager, operator, or other attendant in charge of a public swimming pool or an artificial swimming lagoon to maintain the public swimming pool or artificial swimming lagoon in a sanitary condition.

(b) Makes conforming charges.

(c) Prohibits water in a public swimming pool or in an artificial swimming lagoon, rather than in a swimming pool open to the public, from showing an acid reaction to a standard pH test.

(e) Makes a conforming change.

(f) Requires a person known to be or suspected of being infected with a transmissible condition of a communicable disease to be excluded from a public swimming pool and from an artificial swimming lagoon.

(g) Requires the construction and appliances of a public swimming pool and of an artificial swimming lagoon to be such as to reduce to a practical minimum the possibility of drowning or of injury to bathers. Requires the construction after September 4, 1945, of a public swimming pool or the construction after September 1, 2017, of an artificial swimming lagoon to conform to good public health engineering practices.

(i) Requires the dressing rooms of a public swimming pool or of an artificial swimming lagoon to contain shower facilities.

(j) Prohibits a certain comb or hairbrush from being permitted or distributed in a bathhouse of a public swimming pool or of an artificial swimming lagoon.

(k) Makes conforming changes.

(l-1) Prohibits adopted rules from prohibiting the consumption of food or beverages in a public swimming pool or in an artificial swimming lagoon that is privately owned and operated.

(m) Defines "artificial swimming lagoon" and redefines "public swimming pool."

(n) Authorizes a county or municipality to require that the owner or operator of a public swimming pool or of an artificial swimming lagoon within the jurisdiction of the county or municipality obtain a permit for operation of the public swimming pool or artificial swimming lagoon. Authorizes a county or municipality to inspect a public swimming pool or an artificial lagoon within the jurisdiction of the county or municipality.

(o) Makes conforming changes.

SECTION 3. Amends Section 341.0645(a), Health and Safety Code, to require an owner, manager, operator, or other attendant in charge of a public swimming pool as defined by Section 341.064, wading pool, baby pool, hot tub, in-ground spa, water park, spray fountain, or other artificial body of water typically used for recreational swimming, bathing, or play to comply with pool safety standards adopted under this section (Pool Safety).

SECTION 4. Amends Section 481.134(a), Health and Safety Code, by adding Subdivision (4-a), to define "public swimming pool."

SECTION 5. Requires the executive commissioner of the Health and Human Services Commission as soon as practicable after the effective date of this Act, to adopt rules necessary to implement the changes in law made by this Act.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2017.