

## **BILL ANALYSIS**

C.S.H.B. 1468  
By: Thompson, Senfronia  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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

### **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**

C.S.H.B. 1468 amends the Health and Safety Code to make certain minimum sanitation standards and health protection measures for a public swimming pool applicable to an artificial swimming lagoon, defined by the bill as an artificial body of water open to the public for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a disinfection system. The bill specifies that the term artificial swimming lagoon includes only the portion of the body of water that is designated for swimming but does not include a body of water open to the public that continuously recirculates water from a spring or river. The bill clarifies that, for purposes of those standards and measures, the definition of "public swimming pool" does not include an artificial swimming lagoon. The bill includes the definition of "public swimming pool" in certain provisions relating to offenses and penalties in drug free zones. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the changes in law made by the bill as soon as practicable after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1468 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

## INTRODUCED

SECTION 1. The heading to Section 341.064, Health and Safety Code, is amended.

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

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

(b) The bacterial content of the water in a public swimming pool or in an artificial swimming lagoon may not exceed the safe limits prescribed by department standards. A minimum free residual chlorine of 2.0 parts for each one million units of water in a public spa and a minimum free residual chlorine of 1.0 part for each one million units of water in other public swimming pools or in artificial swimming lagoons, or any other method of disinfectant approved by the department, must be maintained in a public swimming pool in use or in an artificial swimming lagoon in use.

(c) Water in a public swimming pool or in an artificial swimming lagoon ~~open to the public~~ may not show an acid reaction to a standard pH test.

(e) Facilities shall be provided in a public swimming pool or in an artificial swimming lagoon for adequate protection of bathers against sputum contamination.

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

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

(i) Dressing rooms of a public swimming pool or of an artificial swimming lagoon

## HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

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

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

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(c) Water in a public swimming pool or in an artificial swimming lagoon ~~open to the public~~ may not show an acid reaction to a standard pH test.

(e) Facilities shall be provided in a public swimming pool or in an artificial swimming lagoon for adequate protection of bathers against sputum contamination.

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

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

(i) Dressing rooms of a public swimming pool or of an artificial swimming lagoon

shall contain shower facilities.

(j) A comb or hairbrush used by two or more persons may not be permitted or distributed in a bathhouse of a public swimming pool or of an artificial swimming lagoon.

(k) The operator or manager of a public swimming pool or of an artificial swimming lagoon shall provide adequate and proper approved facilities for the disposal of human excreta by the bathers.

(l-1) Rules adopted under this chapter may not prohibit the consumption of food or beverages in a public swimming pool or in an artificial swimming lagoon that is privately owned and operated.

(m) In this section:

(1) "Artificial swimming lagoon" means an artificial body of water open to the public for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a disinfection system. The term includes only the portion of the body of water that is designated for swimming.

(2) "Public[,—~~public~~] swimming pool" means an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports, or therapeutic purposes. The term does not include an artificial swimming lagoon.

(n) A county or municipality may:

(1) 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;

(2) inspect a public swimming pool or an artificial swimming lagoon within the jurisdiction of the county or municipality for compliance with this section; and

(3) impose and collect a reasonable fee in connection with a permit or inspection required under this subsection provided the following are met:

(A) the auditor for the county shall review the program every two years to ensure that the fees imposed do not exceed the cost of the program; and

(B) the county refunds the permit holders

shall contain shower facilities.

(j) A comb or hairbrush used by two or more persons may not be permitted or distributed in a bathhouse of a public swimming pool or of an artificial swimming lagoon.

(k) The operator or manager of a public swimming pool or of an artificial swimming lagoon shall provide adequate and proper approved facilities for the disposal of human excreta by the bathers.

(l-1) Rules adopted under this chapter may not prohibit the consumption of food or beverages in a public swimming pool or in an artificial swimming lagoon that is privately owned and operated.

(m) In this section:

(1) "Artificial swimming lagoon" means an artificial body of water open to the public for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a disinfection system. The term includes only the portion of the body of water that is designated for swimming. The term does not include a body of water open to the public that continuously recirculates water from a spring or river.

(2) "Public[,—~~public~~] swimming pool" means an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports, or therapeutic purposes. The term does not include an artificial swimming lagoon.

(n) A county or municipality may:

(1) 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;

(2) inspect a public swimming pool or an artificial swimming lagoon within the jurisdiction of the county or municipality for compliance with this section; and

(3) impose and collect a reasonable fee in connection with a permit or inspection required under this subsection provided the following are met:

(A) the auditor for the county shall review the program every two years to ensure that the fees imposed do not exceed the cost of the program; and

(B) the county refunds the permit holders

any revenue determined by the auditor to exceed the cost of the program.

(o) A county or municipality may by order close, for the period specified in the order, a public swimming pool or an artificial swimming lagoon within the jurisdiction of the county or municipality if the operation of the public swimming pool or artificial swimming lagoon violates this section or a permitting or inspection requirement imposed by the county or municipality under Subsection (n).

SECTION 3. Section 341.0645(a), Health and Safety Code, is amended.

SECTION 4. Section 481.134(a), Health and Safety Code, is amended.

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

SECTION 6. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 7. This Act takes effect September 1, 2017.

any revenue determined by the auditor to exceed the cost of the program.

(o) A county or municipality may by order close, for the period specified in the order, a public swimming pool or an artificial swimming lagoon within the jurisdiction of the county or municipality if the operation of the public swimming pool or artificial swimming lagoon violates this section or a permitting or inspection requirement imposed by the county or municipality under Subsection (n).

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.