

By: Thompson of Harris

H.B. No. 1468

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the sanitation and safety requirements for certain
3 artificial bodies of water maintained for public recreational
4 purposes.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Section 341.064, Health and
7 Safety Code, is amended to read as follows:

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

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

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

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

1 pool in use or in an artificial swimming lagoon in use.

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

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

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

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

19 (i) Dressing rooms of a public swimming pool or of an
20 artificial swimming lagoon shall contain shower facilities.

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

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

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

4 (m) In this section:

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

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

15 (n) A county or municipality may:

16 (1) require that the owner or operator of a public
17 swimming pool or of an artificial swimming lagoon within the
18 jurisdiction of the county or municipality obtain a permit for
19 operation of the public swimming pool or artificial swimming
20 lagoon;

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

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

27 (A) the auditor for the county shall review the

1 program every two years to ensure that the fees imposed do not
2 exceed the cost of the program; and

3 (B) the county refunds the permit holders any
4 revenue determined by the auditor to exceed the cost of the program.

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

12 SECTION 3. Section [341.0645](#)(a), Health and Safety Code, is
13 amended to read as follows:

14 (a) An owner, manager, operator, or other attendant in
15 charge of a public swimming pool as defined by Section [341.064](#),
16 wading pool, baby pool, hot tub, in-ground spa, water park, spray
17 fountain, or other artificial body of water typically used for
18 recreational swimming, bathing, or play shall comply with pool
19 safety standards adopted under this section.

20 SECTION 4. Section [481.134](#)(a), Health and Safety Code, is
21 amended by adding Subdivision (4-a) to read as follows:

22 (4-a) "Public swimming pool" has the meaning assigned
23 by Section [341.064](#).

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

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

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