

House Bill 1468
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

SECTION 1. Section 1.005, Health and Safety Code, is amended to read as follows:
Sec. 1.005. DEFINITIONS [~~DEFINITION~~]. In this code:
(1) "Artificial swimming lagoon" means an artificial body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant. The term does not include a body of water open to the public that continuously recirculates water from a spring or a pool.
(2) "Licensed practitioner" [~~-, "licensed practitioner"~~] includes a sex offender treatment provider who is licensed under Chapter 110, Occupations Code.
(3) "Public swimming pool" means an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports, or therapeutics purposes. The term does not include an artificial swimming lagoon or a body of water open to the public that continuously recirculates water from a spring.

SECTION 1. The heading to Section 341.064, Health and Safety Code, is amended to read as follows:
Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS, AND BATHHOUSES.

SECTION 2. Same as House 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.
(b) The bacterial content of the water in a public swimming

SECTION 3. Section 341.064, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (e), (f), (g), (i), (j), (k), (l-1), (n), and (o) and adding Subsection (b-1) 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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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

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(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.

(b-1) The department shall approve or reject a request to use another method of disinfectant under Subsection (b) not later than the 90th day after the date the request was made. If the department does not approve or reject the method in accordance with this subsection, the person who made the request may file an action to compel the department to approve or reject the method or to show good cause for an extension of time to make a determination. Venue for an action brought under this subsection is Travis County.

(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

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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. 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

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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.

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(1) require that the owner or operator of a public swimming

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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 to read as follows:

(a) 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 shall comply with pool safety standards adopted under this section.

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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 4. Section 341.0645(a), Health and Safety Code, is amended to read as follows:

(a) An owner, manager, operator, or other attendant in charge of a public swimming pool, 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 shall comply with relevant pool safety standards adopted under this section.

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SECTION 4. Section 481.134(a), Health and Safety Code, is amended by adding Subdivision (4-a) to read as follows: <u>(4-a) "Public swimming pool" has the meaning assigned by Section 341.064.</u>	No equivalent provision.	
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.	No equivalent provision.	
No equivalent provision.	SECTION 5. Section 341.064(m), Health and Safety Code, is repealed.	
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 6. Same as House version.	
SECTION 7. This Act takes effect September 1, 2017.	SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.	