

BILL ANALYSIS

Senate Research Center
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H.B. 2205
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding disparate municipal codes regulating pool and spa construction, alteration, remodeling, and repair that have resulted in a patchwork of regulations across the state, which makes it difficult for companies to maintain common business protocols and supplies for pool repair and construction. There have been calls to allow municipalities that choose to regulate pools and spas to adopt more recent versions of the International Swimming Pool and Spa Code (ISPSC) and to ensure that relevant state agencies with limited oversight of pools and spas are not creating parallel rules that conflict with ISPSC adoption. H.B. 2205 seeks to address these issues by authorizing municipalities to adopt a more recent version of the ISPSC in the municipality.

H.B. 2205 amends current law relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 341.0645, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 341.0645, Health and Safety Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires that the pool safety standards adopted by the executive commissioner of the Health and Human Services Commission:

(1) creates this subdivision from existing text and makes no further changes; and

(2) comply with a version of the International Swimming Pool and Spa Code, as defined by Section 214.103 (International Swimming Pool and Spa Code), Local Government Code, that is not older than the version in effect on May 1, 2019.

(c) Provides that, notwithstanding Subsection (b), the Department of State Health Services is not required to take the following actions as required by the International Swimming Pool and Spa Code:

(1) establish an enforcement program;

(2) establish an application and permitting program;

(3) establish an inspection program;

(4) establish a plan review program for new construction;

(5) review additions or renovations to existing pools and spas; or

(6) conduct construction inspections for new pools and spas or for pools and spas that are renovated or for which additions are made.

SECTION 2. Amends Section 214.103(b), Local Government Code, to authorize a municipality to adopt a more recent version of the International Swimming Pool and Spa Code to apply in the municipality.

SECTION 3. Effective date: September 1, 2021.