

BILL ANALYSIS

C.S.H.B. 2205
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.H.B. 2205 seeks to address these issues by authorizing municipalities to adopt a more recent version of the ISPSC in the municipality.

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. 2205 amends the Health and Safety Code to require the pool safety standards adopted by the executive commissioner of the Health and Human Services Commission to comply with a version of the International Swimming Pool and Spa Code (ISPSC) that is not older than the version in effect on May 1, 2019. However, the Department of State Health Services (DSHS) is expressly not required to take the following actions as required by the ISPSC:

- establish an enforcement program;
- establish an application and permitting program;
- establish an inspection program;
- establish a plan review program for new construction;
- review additions or renovations to existing pools and spas; or
- conduct construction inspections for new pools and spas or for pools and spas that are renovated or for which additions are made.

C.S.H.B. 2205 amends the Local Government Code to authorize a municipality to adopt a version of the ISPSC that is more recent than the version in effect on May 1, 2019, to apply in the municipality.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2205 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a list of actions required by the ISPSC that DSHS is expressly not required to take.