87R21449 KKR-D

By:  Goodwin, Guerra, Toth, et al. H.B. No. 1676

Substitute the following for H.B. No. 1676:

By:  Klick C.S.H.B. No. 1676

A BILL TO BE ENTITLED

AN ACT

relating to child water safety requirements for certain organizations; authorizing disciplinary action, including an administrative penalty.

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

SECTION 1.  This Act may be cited as Cati's Act.

SECTION 2.  Subchapter D, Chapter 341, Health and Safety Code, is amended by adding Section 341.0646 to read as follows:

Sec. 341.0646.  CHILD WATER SAFETY REQUIREMENTS FOR CERTAIN ORGANIZATIONS. (a) In this section:

(1)  "Body of water" means an artificial or natural body of water, including a swimming pool, lake, or river, typically used for recreational swimming, bathing, or play. The term does not include a wading pool.

(2)  "Child" means an individual under 18 years of age.

(3)  "Wading pool" means a pool, including a pool that contains a public interactive water feature and fountain as defined by department rule, with a maximum water depth of not more than 18 inches.

(b)  This section does not apply to a youth camp licensed under Chapter 141.

(c)  An organization, including a day camp, youth camp, school, preschool, kindergarten, nursery school, child-care facility as defined by Section 42.002, Human Resources Code, or any other facility providing child-care services licensed by the Health and Human Services Commission that takes a child in its care or under its supervision to a body of water or otherwise allows a child access to a body of water shall:

(1)  require the child's parent or legal guardian to affirm in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a body of water; and

(2)  if the organization does not own or operate the body of water, provide the owner or operator of the body of water a written or electronic disclosure that clearly identifies each child who is unable to swim or is at risk of injury or death when swimming or accessing a body of water.

(d)  Except as provided by Subsection (e), during the time each child who is unable to swim or is at risk of injury or death when swimming or accessing a body of water is present within a fenced-in area around a body of water or within 100 feet of a body of water without a fenced-in area, the organization shall:

(1)  provide to the child:

(A)  for a natural body of water, a properly fitted and fastened Type II United States Coast Guard approved personal flotation device; or

(B)  for an artificial body of water, a properly fitted and fastened Type II or Type III United States Coast Guard approved personal flotation device; and

(2)  ensure the child is wearing the appropriate personal flotation device and the device is properly fitted and fastened for the child.

(e)  The organization is not required to provide a child with a flotation device under Subsection (d) if:

(1)  the child is actively participating in swim instruction; and

(2)  the organization ensures that each child participating in the instruction is closely supervised during the instruction.

(f)  An organization licensed or otherwise regulated by this state that violates this section or rules adopted under this section is subject to disciplinary action, including the imposition of an administrative penalty, by any state regulatory agency with the power to take disciplinary action against that organization as if the organization violated the organization's licensing or other regulatory laws or rules.

(g)  The executive commissioner may adopt rules necessary to implement this section.

SECTION 3.  This Act takes effect September 1, 2021.