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H.B. No. 1676

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

15 (2) "Child" means an individual under 12 years of age.

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

20 (b) This section does not apply to:

21 (1) a youth camp licensed under Chapter 141; or

22 (2) a residential child-care facility as defined by
23 Section 42.002, Human Resources Code.

24 (c) An organization, including a day camp, youth camp,

1 school, preschool, kindergarten, nursery school, child-care
2 facility as defined by Section 42.002, Human Resources Code, or any
3 other facility providing child-care services licensed by the Health
4 and Human Services Commission that takes a child in its care or
5 under its supervision to a body of water or otherwise allows a child
6 access to a body of water shall require the child's parent or legal
7 guardian to affirm in writing whether the child is able to swim or
8 is at risk of injury or death when swimming or otherwise accessing a
9 body of water.

10 (d) Except as provided by Subsection (e) and if the
11 organization conducts an activity that provides a child access to a
12 body of water, during the time each child who is unable to swim or is
13 at risk of injury or death when swimming or accessing a body of
14 water is present within a fenced-in area around a body of water or
15 within 100 feet of a body of water without a fenced-in area, the
16 organization shall:

17 (1) provide to the child:

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

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

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

27 (e) The organization is not required to provide a child with

1 a flotation device under Subsection (d) if:

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

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

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

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

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