

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Romero, Jr., Holland, Toth

H.B. No. 2205

A BILL TO BE ENTITLED

AN ACT

relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.

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

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

(b) The executive commissioner shall adopt by rule pool safety standards necessary to prevent drowning. The standards must:

(1) be at least as stringent as those imposed under the federal Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. Section 8001 et seq.); and

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

(c) Notwithstanding Subsection (b), the department 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;

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

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

6           SECTION 2. Section 214.103(b), Local Government Code, is  
7 amended to read as follows:

8           (b) To protect the public health, safety, and welfare, the  
9 International Swimming Pool and Spa Code, as it existed on May 1,  
10 2019, is adopted as the municipal swimming pool and spa code in this  
11 state. A municipality may adopt a more recent version of the  
12 International Swimming Pool and Spa Code to apply in the  
13 municipality.

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

ADOPTED

MAY 27 2021

By: Schwertner

Letsy Law Secretary of the Senate H.B. No. 2205

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Kelly Harwood

C.S. H.B. No. 2205

A BILL TO BE ENTITLED

1

AN ACT

2 relating to applicability of the International Swimming Pool and  
3 Spa Code to certain pools, spas, and other swimming areas.

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

5 SECTION 1. Section 341.0645, Health and Safety Code, is  
6 amended by amending Subsection (b) and adding Subsections (c), (d),  
7 (e), (f), and (g) to read as follows:

8 (b) The executive commissioner shall adopt by rule pool  
9 safety standards necessary to prevent drowning. The standards must:

10 (1) be at least as stringent as those imposed under the  
11 federal Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C.  
12 Section 8001 et seq.); and

13 (2) comply with and adopt by reference a version of the  
14 International Swimming Pool and Spa Code, as defined by Section  
15 214.103, Local Government Code, that is not older than the version  
16 in effect on May 1, 2019, regarding all construction, alteration,  
17 renovation, enlargement, and repair of commercial swimming pools  
18 and spas.

19 (c) Notwithstanding Subsection (b), the department is not  
20 required to adopt Chapter 1 of the International Swimming Pool and  
21 Spa Code.

22 (d) Subsection (b) does not affect requirements for pool  
23 yard enclosure imposed under Chapter 757.

24 (e) The executive commissioner by rule shall authorize a

1 minor addition, alteration, renovation, or repair to an existing  
2 pool or spa and related mechanical, electrical, and plumbing  
3 systems in the same manner and arrangement as the executive  
4 commissioner authorized the construction of the pool or spa and  
5 related mechanical, electrical, and plumbing systems.

6 (f) A person may use, maintain, and repair a pool or spa that  
7 was in compliance with the laws of this state on August 31, 2021,  
8 and related mechanical, electrical, and plumbing systems in  
9 accordance with the laws applicable to the pool or system on that  
10 date.

11 (g) Notwithstanding Subsection (b)(2), this section does  
12 not affect the authority of the executive commissioner to adopt  
13 rules regarding pool operation and management, water quality,  
14 safety standards unrelated to design and construction, signage, and  
15 enclosures.

16 SECTION 2. Section 214.103, Local Government Code, is  
17 amended by amending Subsection (b) and adding Subsection (b-1) to  
18 read as follows:

19 (b) To protect the public health, safety, and welfare, the  
20 International Swimming Pool and Spa Code, as it existed on May 1,  
21 2019, is adopted as the municipal swimming pool and spa code in this  
22 state. A municipality may adopt a more recent version of the  
23 International Swimming Pool and Spa Code to apply in the  
24 municipality.

25 (b-1) To the extent a provision of a code adopted by a  
26 municipality under Subsection (b) conflicts with a law of this  
27 state or a regulation on pool operation and management, water

1 quality, safety standards unrelated to design and construction,  
2 signage, or enclosures, the law or regulation controls.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 27, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2205** by Romero, Jr. (Relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to adopt rules for pool safety standards necessary to prevent drowning that comply with a version of the International Swimming Pool and Spa Code, excluding certain regulatory and enforcement requirements, that is not older than the version in effect on May 1, 2019.

Additionally, the bill would allow a municipality to adopt a more recent version of the International Swimming Pool and Spa Code to apply in the municipality.

The Department of State Health Services and the Health and Human Services Commission indicate any cost to implement provisions of the bill would be minimal and can be absorbed within available resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Hlth & Human Svcs Comm, 537 State Health Services

**LBB Staff:** JMc, SD, SZ, AKI, AF, JLI

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 21, 2021**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2205** by Romero, Jr. (relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to adopt rules for pool safety standards necessary to prevent drowning that comply with a version of the International Swimming Pool and Spa Code, excluding certain regulatory and enforcement requirements, that is not older than the version in effect on May 1, 2019.

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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Hlth & Human Svcs Comm, 537 State Health Services

**LBB Staff:** JMc, SZ, AKI, AF, JLI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 15, 2021**

**TO:** Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2205** by Romero, Jr. (Relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to adopt rules for pool safety standards necessary to prevent drowning that comply with a version of the International Swimming Pool and Spa Code, excluding certain regulatory and enforcement requirements, that is not older than the version in effect on May 1, 2019.

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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Hlth & Human Svcs Comm, 537 State Health Services

**LBB Staff:** JMc, SZ, AKI, AF, JLI



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 9, 2021**

**TO:** Honorable Philip Cortez, Chair, House Committee on Urban Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2205** by Romero, Jr. (Relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to adopt rules for pool safety standards necessary to prevent drowning that comply with a version of the International Swimming Pool and Spa Code, excluding certain regulatory and enforcement requirements, that is not older than the version in effect on May 1, 2019.

Additionally, the bill would allow a municipality to adopt a more recent version of the International Swimming Pool and Spa Code to apply in the municipality.

The Department of State Health Services and the Health and Human Services Commission indicate any cost to implement provisions of the bill would be minimal and can be absorbed within available resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Hlth & Human Svcs Comm, 537 State Health Services

**LBB Staff:** JMc, AF, JLI, AKI

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 23, 2021**

**TO:** Honorable Philip Cortez, Chair, House Committee on Urban Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2205** by Romero, Jr. (Relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission to adopt rules for pool safety standards necessary to prevent drowning that comply with a version of the International Swimming Pool and Spa Code, that is not older than the version in effect on May 1, 2019.

Additionally, the bill would allow a municipality to adopt a more recent version of the International Swimming Pool and Spa Code to apply in the municipality.

The Health and Human Services Commission indicates any cost to implement provisions of the bill would be minimal and can be absorbed within available resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 529 Hlth & Human Svcs Comm, 537 State Health Services

**LBB Staff:** JMc, AF, JLI, AKI