

House Bill 2205
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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;

(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.

SENATE VERSION (CS)

SECTION 1. Section 341.0645, Health and Safety Code, is amended by amending Subsection (b) and adding Subsections (c), (d), (e), (f), and (g) 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 and adopt by reference 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, regarding all construction, alteration, renovation, enlargement, and repair of commercial swimming pools and spas.

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

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

(e) The executive commissioner by rule shall authorize a minor addition, alteration, renovation, or repair to an existing pool or spa and related mechanical, electrical, and plumbing

CONFERENCE

House Bill 2205
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

systems in the same manner and arrangement as the executive commissioner authorized the construction of the pool or spa and related mechanical, electrical, and plumbing systems.

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

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

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

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

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

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

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

(b-1) To the extent a provision of a code adopted by a municipality under Subsection (b) conflicts with a law of this state or a regulation on pool operation and management, water quality, safety standards unrelated to design and construction, signage, or enclosures, the law or regulation controls.

SECTION 3. Same as House version.