

By: Oliverson

H.B. No. 19

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Department of Insurance to publish and maintain a list of certain swim schools.

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

SECTION 1. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 761 to read as follows:

CHAPTER 761. SWIM SCHOOLS

Sec. 761.001. DEFINITIONS. In this chapter:

(1) "Commissioner" means the commissioner of insurance.

(2) "Department" means the Texas Department of Insurance.

(3) "Instructor" means an individual who for compensation provides swim instruction directly to students on behalf of a swim school.

(4) "Student" means a child younger than 18 years of age who receives swim instruction from a swim school.

(5) "Swim instruction" means the in-water educational process of teaching an individual to swim.

(6) "Swim school" means a company, corporation, partnership, or limited liability corporation that employs two or more employees and provides or offers to provide swim instruction for compensation.

Sec. 761.002. SWIM SCHOOL LIST. The department shall

1 publish and maintain on the department's Internet website a list of
2 swim schools that:

- 3 (1) provide swim instruction to a student; and
4 (2) annually submit a written verification to the
5 department in accordance with Sections 761.003 and 761.004.

6 Sec. 761.003. REQUIRED SUBMISSION OF WRITTEN VERIFICATION
7 FOR INCLUSION ON SWIM SCHOOL LIST. (a) For inclusion on the list
8 maintained by the department under Section 761.002, a swim school
9 that provides swim instruction to a student shall submit to the
10 department, in the form and manner prescribed by department rule, a
11 written verification stating the school:

12 (1) maintains policies and procedures to protect
13 children who receive swim instruction at the school, including
14 policies and procedures that require:

15 (A) the school to maintain an
16 instructor-to-student ratio of at least one instructor for every
17 six students during the provision of beginner or intermediate level
18 swim instruction, unless a parent or other responsible adult is
19 present in the water with a student at all times during instruction;

20 (B) at least one individual who holds
21 certifications in cardiopulmonary resuscitation and first aid
22 issued by an accredited entity to be present at the school during
23 the provision of swim instruction; and

24 (C) the school to maintain, replenish as
25 necessary, and ensure easy access to lifesaving equipment and first
26 aid supplies, including:

27 (i) a rescue tube or ring buoy;

1 (ii) a reaching pole or shepherd's crook;

2 (iii) a spine board;

3 (iv) an automated external defibrillator,
4 as defined by Section 779.001;

5 (v) breathing masks; and

6 (vi) gloves;

7 (2) maintains an emergency action plan tailored to the
8 school's operations for responding to incidents arising from swim
9 instruction;

10 (3) conducts a criminal background check on each of
11 the school's owners and a criminal history record check on each
12 school employee who is 18 years of age or older; and

13 (4) maintains liability insurance under a policy
14 issued by an insurance company authorized to conduct business in
15 this state or by a surplus lines insurer, as defined by Chapter 981,
16 Insurance Code, or under an independently procured policy subject
17 to Chapter 101, Insurance Code, insuring the owner of the swim
18 school against liability for injury to individuals arising out of
19 the operation of the swim school, including the provision of swim
20 instruction to students.

21 (b) A swim school's written verification expires on the
22 first anniversary of the date the department receives the
23 verification.

24 Sec. 761.004. RENEWAL OF WRITTEN VERIFICATION. (a) A swim
25 school must annually submit to the department a written
26 verification described by Section 761.003 to renew the school's
27 inclusion on the list of swim schools maintained by the department

1 under Section 761.002.

2 (b) If the department does not receive a swim school's
3 written verification for renewal on or before the expiration date
4 of the school's current written verification, the department shall
5 remove the swim school from the list of swim schools maintained by
6 the department under Section 761.002.

7 Sec. 761.005. RULES. The commissioner shall adopt the
8 rules necessary to implement this chapter.

9 SECTION 2. As soon as practicable after the effective date
10 of this Act, the commissioner of insurance shall adopt rules
11 necessary to implement Chapter 761, Health and Safety Code, as
12 added by this Act.

13 SECTION 3. This Act takes effect on the 91st day after the
14 last day of the legislative session.