

BILL ANALYSIS

C.S.H.B. 2424
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas law establishes health and safety standards for the construction, operation, and maintenance of public swimming pools and artificial swimming lagoons, including with respect to safety features and water quality standards, for the purpose of ensuring public health and safety. In order to ensure compliance with these standards, public swimming pools and artificial swimming lagoons are subject to inspection by local or state regulators. However, the individuals that perform the inspections are not required by state law to receive any training. Successfully protecting public health is an active process whereby well-trained credentialed individuals investigate and oversee public engagement in activities where the confluence of populations might be exposed to health or safety risks. Texas registered sanitarians, code enforcement officers, and other health and safety professionals are tasked to do just that on a regular basis. As technologies improve and are becoming more complex, many public swimming pool and artificial swimming lagoon inspectors are unfamiliar with the technical intricacies of pool operation and are therefore unprepared to provide a proper code-driven inspection. C.S.H.B. 2424 seeks to address this issue by requiring individuals who conduct inspections of public swimming pools and artificial swimming lagoons to have at a minimum the training and certification required of public swimming pool and artificial swimming lagoon owners and operators.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2424 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission by rule to require an inspector of a public swimming pool or artificial swimming lagoon to complete training on and obtain certification in the operation of pools and lagoons that is at least as stringent as the training and certification requirements for an owner or operator of a public swimming pool or artificial swimming lagoon. The bill defines the following terms by reference:

- "artificial swimming lagoon" means an artificial body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant. The term does not include a body of water open to the public that continuously recirculates water from a spring or a pool; and
- "public swimming pool" means an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports, or

therapeutic purposes. The term does not include an artificial swimming lagoon or a body of water open to the public that continuously recirculates water from a spring.

C.S.H.B. 2424 requires the executive commissioner to adopt the rules necessary to implement the bill not later than December 1, 2023, and establishes that a public swimming pool or artificial swimming lagoon inspector is not required to comply with such a rule until May 1, 2024.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2424 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute provide for training and certification requirements for certain inspectors by rule of the executive commissioner, the versions differ in the following manner:

- the rules in the substitute apply to an inspector of a public swimming pool or artificial swimming lagoon with respect to the operation of pools and lagoons, whereas the rules in the introduced applied to pool and spa inspectors with respect to the operation of pools and spas; and
- the substitute replaces the requirement from the introduced that the training and certification be at least equivalent to the training and certification requirements of pool and spa operators with a requirement that the training and certification be at least as stringent as the training and certification requirements for an owner or operator of a public swimming pool or artificial swimming lagoon.

The substitute includes provisions that were not in the introduced that do the following:

- define by reference "artificial swimming lagoon" and "public swimming pool";
- require the executive commissioner to adopt the rules necessary to implement the bill not later than December 1, 2023; and
- establish that a public swimming pool or artificial swimming lagoon inspector is not required to comply with such a rule until May 1, 2024.