

By: Oliverson

H.B. No. 3496

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 ready-to-swim programs.

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. READY-TO-SWIM PROGRAMS

Sec. 761.001. DEFINITIONS. In this chapter:

(1) "Basic water safety skills" means the skills required to independently enter the water, surface from under the water, turn around in the water, propel through the water for a distance of at least 25 yards, float on or tread water, and exit the water.

(2) "Beginner-level student" means a student who does not demonstrate basic water safety skills.

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

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

(5) "Instructor" means an individual who for compensation provides swim instruction directly to students on behalf of an operator of a ready-to-swim program.

(6) "Operator" means an individual, company, corporation, partnership, limited liability corporation, nonprofit

1 organization, community organization, or municipality that
2 provides or offers to provide a ready-to-swim program for
3 compensation.

4 (7) "Ready-to-swim program" means a program that
5 provides swim instruction to students.

6 (8) "Student" means an individual who receives swim
7 instruction from a ready-to-swim program.

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

10 Sec. 761.002. READY-TO-SWIM PROGRAM LIST. The department
11 shall publish and maintain on the department's Internet website a
12 list of ready-to-swim programs that:

13 (1) provide swim instruction to a student; and

14 (2) biennially submit a written verification to the
15 department in accordance with Sections 761.003 and 761.004.

16 Sec. 761.003. REQUIRED SUBMISSION OF WRITTEN VERIFICATION
17 FOR INCLUSION ON READY-TO-SWIM PROGRAM LIST. (a) For inclusion on
18 the list the department maintains under Section 761.002, the
19 operator of a ready-to-swim program must submit to the department,
20 in the form and manner prescribed by commissioner rule, a written
21 verification stating the program:

22 (1) maintains policies and procedures to protect
23 students, including policies and procedures that require, during
24 the provision of swim instruction:

25 (A) the program to maintain the following
26 instructor-to-student ratios:

27 (i) at least one instructor for every four

1 students who are younger than six years of age or are beginner-level
2 students without a parent or other responsible adult present in the
3 water with each student at all times during instruction;

4 (ii) at least one instructor for every 10
5 students who are younger than six years of age or are beginner-level
6 students if a parent or other responsible adult is present in the
7 water with each student at all times during the instruction;

8 (iii) at least one instructor for every six
9 students who are younger than six years of age and are able to
10 independently demonstrate basic water safety skills;

11 (iv) at least one instructor for every
12 eight students who are at least six years of age but younger than 18
13 years of age; and

14 (v) at least one instructor for every 10
15 students who are at least 18 years of age;

16 (B) an individual to monitor the swim instruction
17 with ready access to a rescue tube or ring buoy, a first aid kit, and
18 a resuscitation mask, provided the individual is:

19 (i) a certified lifeguard, including a
20 lifeguard for the swimming pool at the location the program is
21 providing instruction;

22 (ii) a program instructor or assistant
23 instructor who is not actively providing swim instruction; or

24 (iii) a responsible adult;

25 (C) at least one individual who holds
26 certifications in cardiopulmonary resuscitation, automated
27 external defibrillator use, and first aid issued by an accredited

1 entity to be present at the location where the program operates;

2 (D) the program to maintain, replenish as
3 necessary, and ensure easy access to lifesaving equipment and first
4 aid supplies, including:

5 (i) a rescue tube or ring buoy;

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

7 (iii) a spine board;

8 (iv) an automated external defibrillator,

9 as defined by Section 779.001;

10 (v) resuscitation masks; and

11 (vi) gloves;

12 (E) each program instructor to successfully
13 complete at least 40 hours of formal training on:

14 (i) proper supervision of students during
15 swim instruction;

16 (ii) child development in relation to swim
17 instruction;

18 (iii) the provision of first aid;

19 (iv) bloodborne pathogens;

20 (v) abuse prevention; and

21 (vi) the program's emergency action plan
22 maintained under Subdivision (2); and

23 (F) the program to allow parents and caregivers
24 to be present and in view of students;

25 (2) maintains an emergency action plan tailored to the
26 program's operations for responding to incidents arising from swim
27 instruction;

1 (3) conducts a criminal background check on each of
2 the program's operators and a criminal history record check on each
3 program employee who is 18 years of age or older before the employee
4 engages in any program activity; and

5 (4) maintains liability insurance under a policy
6 issued by an insurance company authorized to conduct business in
7 this state organized or operating under Chapter 841, 881, 882, 884,
8 885, 886, or 887, Insurance Code, insuring the operator of the
9 program against liability for injury to individuals arising out of
10 the operation of the program, including the provision of swim
11 instruction to students.

12 (b) A ready-to-swim program's written verification expires
13 on the second anniversary of the date the department receives the
14 verification.

15 Sec. 761.004. RENEWAL OF WRITTEN VERIFICATION. (a) A
16 ready-to-swim program must biennially submit to the department a
17 written verification described by Section 761.003 to renew the
18 program's inclusion on the list the department maintains under
19 Section 761.002.

20 (b) If the department does not receive a ready-to-swim
21 program's written verification for renewal on or before the
22 expiration date of the program's current written verification, the
23 department shall remove the ready-to-swim program from the list the
24 department maintains under Section 761.002.

25 Sec. 761.005. PERIODIC REVIEW OF READY-TO-SWIM PROGRAM
26 SAFETY REQUIREMENTS. (a) At least once every five years the
27 commissioner shall review, and as necessary by rule update, the

1 policy and procedure requirements included in Section 761.003(a)
2 that a ready-to-swim program must meet for inclusion on the list the
3 department maintains under Section 761.002 to ensure the
4 requirements reflect any changes in national safety standards for
5 ready-to-swim programs.

6 (b) In reviewing the policy and procedure requirements
7 under Subsection (a), the commissioner may consult with
8 organizations recognized as authorities on water safety, including
9 the:

- 10 (1) Centers for Disease Control and Prevention;
- 11 (2) United States Swim School Association;
- 12 (3) National Drowning Prevention Alliance;
- 13 (4) American Red Cross; or
- 14 (5) YMCA.

15 Sec. 761.006. RULES. The commissioner shall adopt the
16 rules necessary to implement this chapter.

17 SECTION 2. As soon as practicable after the effective date
18 of this Act, the commissioner of insurance shall adopt rules
19 necessary to implement Chapter 761, Health and Safety Code, as
20 added by this Act.

21 SECTION 3. This Act takes effect September 1, 2025.