

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 968  
By: West  
Intergovernmental Relations  
3/26/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interactive spray fountain parks have become increasingly popular attractions throughout the United States. When not properly maintained, spray fountain parks have been associated with outbreaks of diarrheal illness. More than 15 such outbreaks of bacterial, viral, or parasitic illnesses have occurred from fountain parks in the United States and other countries. Currently, there is no existing regulation in the State of Texas requiring minimum operating standards for such facilities.

C.S.S.B. 968 requires an owner, manager, operator, or other attendant in charge of an interactive water feature or fountain to maintain it in a sanitary condition and sets forth certain standards for such interactive water features or fountains. The bill authorizes a county, municipality, or the state to require the owner or operator of an interactive water feature or fountain to obtain a permit for the operation of such a fountain or water feature and authorizes a county or municipality to close a fountain or water feature under certain circumstances.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission (Texas Department of Health) in SECTION 1 (Section 341.0695, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 341, Health and Safety Code, by adding Section 341.0695, as follows:

- Sec. 341.0695. INTERACTIVE WATER FEATURES AND FOUNTAINS. (a) Defines "interactive water feature or fountain."
- (b) Requires an owner, manager, operator, or other attendant in charge of an interactive water feature or fountain to maintain the water feature or fountain in a sanitary condition.
- (c) Prohibits the bacterial content of the water in an interactive water feature or fountain from exceeding the safe limits prescribed by the standards adopted under this chapter.
- (d) Requires that a minimum free residual chlorine of 1.0 part for each one million units of water used in a water feature or fountain, except as provided by Subsection (f), be maintained.
- (e) Prohibits water in an interactive water feature or fountain from showing an acid reaction to a standard pH test.

(f) Authorizes the Texas Department of Health by rule to adopt methods other than chlorination for the purpose of disinfecting interactive water features and fountains.

(g) Provides that an interactive water feature or fountain that is supplied entirely by drinking water that is not recirculated is not subject to Subsections (d) and (e).

(h) Requires a person known to be or suspected of being infected with a transmissible condition of a communicable disease to be excluded from an interactive water feature or fountain.

(i) Authorizes a county, municipality, or the state to require that the owner or operator of an interactive water feature or fountain within the jurisdiction of the county or municipality obtain a permit for operation of the water feature or fountain, inspect an interactive water feature or fountain within the jurisdiction of the county or municipality for compliance with this section, and impose and collect a reasonable fee in connection with a permit or inspection required under this subsection provided certain criteria are met.

(j) Authorizes a county or municipality by order to close, for the period specified in the order, an interactive water feature or fountain within the jurisdiction of the county or municipality if the operation of the fountain or water feature violates this section or a permitting or inspection requirement imposed by the county or municipality under Subsection (i).

SECTION 2. (a) Requires the executive commissioner of the Health and Human Services Commission, not later than the 30th day after the effective date of this Act, to adopt emergency rules in accordance with Section 2001.034 (Emergency Rulemaking), Government Code, as necessary to implement Section 341.0695, Health and Safety Code, as added by this Act.

(b) Provides that an owner, manager, operator, or other attendant in charge of an interactive water feature or fountain is not required to comply with Section 341.0695, Health and Safety Code, as added by this Act, before the fifth day after the date rules are adopted under Subsection (a) of this section.

SECTION 3. Effective date: upon passage or September 1, 2009.