

## **BILL ANALYSIS**

Senate Research Center  
85R29533 JG-F

C.S.H.B. 1468  
By: Thompson, Senfronia (Hancock)  
Business & Commerce  
5/9/2017  
Committee Report (Substituted)

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

Interested parties note that artificial swimming lagoons do not use traditional swimming pool and spa technology and the parties raise concerns regarding the regulation of such bodies of water.

C.S.H.B. 1468 seeks to address these concerns by providing for certain minimum sanitation standards and health protection measures for an artificial swimming lagoon. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 1468 amends current law relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1.005, Health and Safety Code, as follows:

Sec. 1.005. New heading: DEFINITIONS. Defines "artificial swimming lagoon" and "public swimming pool" and makes nonsubstantive changes.

SECTION 2. Amends the heading to Section 341.064, Health and Safety Code, to read as follows:

Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS, AND BATHHOUSES.

SECTION 3. Amends Section 341.064, Health and Safety Code, by amending Subsections (a), (b), (c), (e), (f), (g), (i), (j), (k), (l-1), (n), and (o) and adding Subsection (b-1), as follows:

(a) Requires an owner, manager, operator, or other attendant in charge of a public swimming pool or an artificial swimming lagoon to maintain the public swimming pool or artificial swimming lagoon in a sanitary condition.

(b) Makes conforming charges.

(b-1) Requires the Department of State Health Services (DSHS), to approve or reject a request to use another method of disinfectant under Subsection (b) (relating to the prescribed bacterial and residual chlorine contents of public pools and swimming lagoons) not later than the 90th day after the date the request was made. Authorizes the person who made the request if DSHS does not approve or reject the method in accordance with this subsection, to file an action to compel DSHS to approve or reject the method or to show good cause for an extension of time to make a determination. Provides that venue for an action brought under this subsection is Travis County.

(c) Prohibits water in a public swimming pool or in an artificial swimming lagoon, rather than in a swimming pool open to the public, from showing an acid reaction to a standard pH test.

(e) Makes a conforming change.

(f) Requires a person known to be or suspected of being infected with a transmissible condition of a communicable disease to be excluded from a public swimming pool and from an artificial swimming lagoon.

(g) Requires the construction and appliances of a public swimming pool and of an artificial swimming lagoon to be such as to reduce to a practical minimum the possibility of drowning or of injury to bathers. Requires the construction after September 4, 1945, of a public swimming pool or the construction after September 1, 2017, of an artificial swimming lagoon to conform to good public health engineering practices.

(i) Requires the dressing rooms of a public swimming pool or of an artificial swimming lagoon to contain shower facilities.

(j) Prohibits a certain comb or hairbrush from being permitted or distributed in a bathhouse of a public swimming pool or of an artificial swimming lagoon.

(k) Makes conforming changes.

(l-1) Prohibits adopted rules from prohibiting the consumption of food or beverages in a public swimming pool or artificial swimming lagoon that is privately owned and operated.

(n) Authorizes a county or municipality to require that the owner or operator of a public swimming pool or of an artificial swimming lagoon within the jurisdiction of the county or municipality obtain a permit for operation of the public swimming pool or artificial swimming lagoon. Authorizes a county or municipality to inspect a public swimming pool or an artificial swimming lagoon within the jurisdiction of the county or municipality.

(o) Makes conforming changes.

SECTION 4. Amends Section 341.0645(a), Health and Safety Code, to require an owner, manager, operator, or other attendant in charge of a public swimming pool, wading pool, baby pool, hot tub, in-ground spa, water park, spray fountain, or other artificial body of water typically used for recreational swimming, bathing, or play to comply with relevant pool safety standards adopted under this section (Pool Safety).

SECTION 5. Repealer: Section 341.064(m) (relating to defining "public swimming pool"), Health and Safety Code.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: upon passage or September 1, 2017.