

BILL ANALYSIS

Senate Research Center
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S.B. 733
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of State Health Services (DSHS), pursuant to the Health and Safety Code, regulates the safety and sanitation of public swimming pools and spas in the state of Texas. Technological advances have enabled the construction of multi-acre man-made bodies of water that do not use traditional swimming pool and spa technology, therefore requiring a distinction to be made between various types of recreation areas.

This bill amends the Health and Safety Code by defining these multi-acre bodies of water as "artificial swimming lagoons," establishing statutory differences between these bodies of water and traditional swimming pools and public swimming pools (separately defined terms). DSHS will regulate the safety and sanitation standards of artificial swimming lagoons to maintain the general safety standards expected of a recreational swimming area.

As proposed, S.B. 733 amends current law relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. 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 2. Amends Sections 341.064(a), (b), (c), (e), (f), (g), (i), (j), (k), (l-1), (m), (n), and (o), Health and Safety Code, 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, rather than an owner, manager, operator, or other attendant in charge of a public swimming pool to maintain the pool in a sanitary condition.

(b) Prohibits the bacterial content of the water in a public swimming pool or in an artificial swimming lagoon from exceeding the safe limits prescribed by Department of State Health Services (DSHS) standards. Makes conforming changes.

(c) Provides that water in a public swimming pool or in an artificial swimming lagoon, rather than water in a swimming pool open to the public, may not show an acid reaction to a standard pH test.

(e) Makes a conforming change.

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

(g) Requires that the construction after September 4, 1945, of a public swimming pool or the construction after September 1, 2017, of an artificial swimming lagoon conform to good public health engineering practices, rather than requiring that the construction after September 4, 1945, of a public swimming pool conform to good public health engineering practices. Makes a conforming change.

(i) through (k) Makes conforming changes.

(l-1) Makes a conforming change.

(m) Provides that in this section:

(1) Defines "artificial swimming lagoon."

(2) Creates this subdivision from existing text and redefines "public swimming pool." Provides that the term does not include an artificial swimming lagoon.

(n) and (o) Makes conforming changes.

SECTION 3. 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 as defined by Section 341.064, 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 adopted pool safety standards.

SECTION 4. Amends Section 481.134(a), Health and Safety Code, by adding Subdivision (4-a) to define "public swimming pool."

SECTION 5. Requires the executive commissioner of the Health and Human Services Commission (HHSC), as soon as practicable after the effective date of this Act, to adopt rules necessary to implement the changes in law made by this Act.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2017.