

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2205
By: Romero, Jr. et al. (Schwertner)
Business & Commerce
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding disparate municipal codes regulating pool and spa construction, alteration, remodeling, and repair that have resulted in a patchwork of regulations across the state, which makes it difficult for companies to maintain common business protocols and supplies for pool repair and construction. There have been calls to allow municipalities that choose to regulate pools and spas to adopt more recent versions of the International Swimming Pool and Spa Code (ISPSC) and to ensure that relevant state agencies with limited oversight of pools and spas are not creating parallel rules that conflict with ISPSC adoption. H.B. 2205 seeks to address these issues by authorizing municipalities to adopt a more recent version of the ISPSC in the municipality.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 2205 amends current law relating to applicability of the International Swimming Pool and Spa Code to certain pools, spas, and other swimming areas.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 341.0645, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 341.0645, Health and Safety Code, by amending Subsection (b) and adding Subsections (c), (d), (e), (f), and (g), as follows:

(b) Requires that the pool safety standards adopted by the executive commissioner of the Health and Human Services Commission (executive commissioner):

(1) creates this subdivision from existing text and makes a nonsubstantive change; and

(2) comply with and adopt by reference a version of the International Swimming Pool and Spa Code, as defined by Section 214.103 (International Swimming Pool and Spa Code), Local Government Code, that is not older than the version in effect on May 1, 2019, regarding all construction, alteration, renovation, enlargement, and repair of commercial swimming pools and spas.

(c) Provides that, notwithstanding Subsection (b), the Department of State Health Services is not required to adopt Chapter 1 of the International Swimming Pool and Spa Code.

(d) Provides that Subsection (b) does not affect requirements for pool yard enclosure imposed under Chapter 757 (Pool Yard Enclosures).

(e) Requires the executive commissioner by rule to authorize a minor addition, alteration, renovation, or repair to an existing pool or spa and related mechanical, electrical, and plumbing systems in the same manner or arrangement as the executive commissioner

authorized the construction of the pool or spa and related mechanical, electrical, and plumbing systems.

(f) Authorizes a person to use, maintain, and repair a pool or spa that was in compliance with the laws of this state on August 31, 2021, and related mechanical, electrical, and plumbing systems in accordance with the laws applicable to the pool or system on that date.

(g) Provides that, notwithstanding Subsection(b)(2), Section 341.0645 does not affect the authority of the executive commissioner to adopt rules regarding pool operation and management, water quality, safety standards unrelated to design and construction, signage, and enclosures.

SECTION 2. Amends Section 214.103, Local Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Authorizes a municipality to adopt a more recent version of the International Swimming Pool and Spa Code to apply in the municipality.

(b-1) Provides that, to the extent a provision of a code adopted by a municipality under Subsection (b) conflicts with a law of this state or a regulation on pool operation and management, water quality, safety standards unrelated to design and construction, signage, or enclosures, the law or regulation controls.

SECTION 3. Effective date: September 1, 2021.