

BILL ANALYSIS

Senate Research Center
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S.B. 1297
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas regularly ranks among the worst states when it comes to preventable child drownings with an average of 83 drownings per year since 2010. Current law does not require that organizations with children under their care ensure they are wearing life jackets before entering a swimming pool or open waters. Accordingly, many children experience drowning (both fatal and non-fatal) incidents while they are under the care of summer camp groups or other organizations.

S.B. 1297 would require organizations with children under their care, including schools, pre-schools, kindergartens, nursery schools, or day or youth camps, to place and fasten a U.S. Coast Guard-approved life jacket on children who will swim in a pool, lake, or river. This change should help reduce preventable accidents and fatalities.

As proposed, S.B. 1297 amends current law relating to child water safety requirements for certain organizations.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 341.0646, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Provides that this Act may be cited as Cati's Act.

SECTION 2. Amends Subchapter D, Chapter 341, Health and Safety Code, by adding Section 341.0646, as follows:

Sec. 341.0646. CHILD WATER SAFETY REQUIREMENTS FOR CERTAIN ORGANIZATIONS. (a) Defines "body of water" and "child."

(b) Requires an organization, including a school, preschool, kindergarten, nursery school, or day camp or youth camp, as defined by Section 141.002 (Definitions), that takes a child in its care or under its supervision to a body of water or otherwise allows a child access to a body of water to determine whether the child is able to swim or is at risk when swimming and if the organization does not own or operate the body of water, provide the owner or operator of the body of water a written or electronic disclosure that clearly identifies each child who is unable to swim or is at risk when swimming.

(c) Requires the organization, during the time each child who is unable to swim or is at risk when swimming has access to a body of water, to provide the child certain personal floatation devices (PFDs) and ensure the child is wearing the appropriate PFD and the device is properly fitted for the child.

(d) Authorizes the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement this section.

SECTION 3. Effective date: September 1, 2021.