

1-1 By: Thompson of Harris (Senate Sponsor - Hancock) H.B. No. 1468
 1-2 (In the Senate - Received from the House May 1, 2017;
 1-3 May 4, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 11, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 May 11, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1468 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the sanitation and safety requirements for certain
 1-22 artificial bodies of water maintained for public recreational
 1-23 purposes.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 1.005, Health and Safety Code, is
 1-26 amended to read as follows:

1-27 Sec. 1.005. DEFINITIONS [DEFINITION]. In this code:

1-28 (1) "Artificial swimming lagoon" means an artificial
 1-29 body of water used for recreational purposes with more than 20,000
 1-30 square feet of surface area, an artificial liner, and a method of
 1-31 disinfectant. The term does not include a body of water open to the
 1-32 public that continuously recirculates water from a spring or a
 1-33 pool.

1-34 (2) "Licensed practitioner" [,"~~licensed~~
 1-35 practitioner"] includes a sex offender treatment provider who is
 1-36 licensed under Chapter 110, Occupations Code.

1-37 (3) "Public swimming pool" means an artificial body of
 1-38 water, including a spa, maintained expressly for public
 1-39 recreational purposes, swimming and similar aquatic sports, or
 1-40 therapeutics purposes. The term does not include an artificial
 1-41 swimming lagoon or a body of water open to the public that
 1-42 continuously recirculates water from a spring.

1-43 SECTION 2. The heading to Section 341.064, Health and
 1-44 Safety Code, is amended to read as follows:

1-45 Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS,
 1-46 AND BATHHOUSES.

1-47 SECTION 3. Section 341.064, Health and Safety Code, is
 1-48 amended by amending Subsections (a), (b), (c), (e), (f), (g), (i),
 1-49 (j), (k), (l-1), (n), and (o) and adding Subsection (b-1) to read as
 1-50 follows:

1-51 (a) An owner, manager, operator, or other attendant in
 1-52 charge of a public swimming pool or an artificial swimming lagoon
 1-53 shall maintain the public swimming pool or artificial swimming
 1-54 lagoon in a sanitary condition.

1-55 (b) The bacterial content of the water in a public swimming
 1-56 pool or in an artificial swimming lagoon may not exceed the safe
 1-57 limits prescribed by department standards. A minimum free
 1-58 residual chlorine of 2.0 parts for each one million units of water
 1-59 in a public spa and a minimum free residual chlorine of 1.0 part for
 1-60 each one million units of water in other public swimming pools or in

2-1 artificial swimming lagoons, or any other method of disinfectant
 2-2 approved by the department, must be maintained in a public swimming
 2-3 pool in use or in an artificial swimming lagoon in use.

2-4 (b-1) The department shall approve or reject a request to
 2-5 use another method of disinfectant under Subsection (b) not later
 2-6 than the 90th day after the date the request was made. If the
 2-7 department does not approve or reject the method in accordance with
 2-8 this subsection, the person who made the request may file an action
 2-9 to compel the department to approve or reject the method or to show
 2-10 good cause for an extension of time to make a determination. Venue
 2-11 for an action brought under this subsection is Travis County.

2-12 (c) Water in a public swimming pool or in an artificial
 2-13 swimming lagoon [~~open to the public~~] may not show an acid reaction
 2-14 to a standard pH test.

2-15 (e) Facilities shall be provided in a public swimming pool
 2-16 or in an artificial swimming lagoon for adequate protection of
 2-17 bathers against sputum contamination.

2-18 (f) A person known to be or suspected of being infected with
 2-19 a transmissible condition of a communicable disease shall be
 2-20 excluded from a public swimming pool and from an artificial
 2-21 swimming lagoon.

2-22 (g) The construction and appliances of a public swimming
 2-23 pool and of an artificial swimming lagoon must be such as to reduce
 2-24 to a practical minimum the possibility of drowning or of injury to
 2-25 bathers. The construction after September 4, 1945, of a public
 2-26 swimming pool or the construction after September 1, 2017, of an
 2-27 artificial swimming lagoon must conform to good public health
 2-28 engineering practices.

2-29 (i) Dressing rooms of a public swimming pool or of an
 2-30 artificial swimming lagoon shall contain shower facilities.

2-31 (j) A comb or hairbrush used by two or more persons may not
 2-32 be permitted or distributed in a bathhouse of a public swimming pool
 2-33 or of an artificial swimming lagoon.

2-34 (k) The operator or manager of a public swimming pool or of
 2-35 an artificial swimming lagoon shall provide adequate and proper
 2-36 approved facilities for the disposal of human excreta by the
 2-37 bathers.

2-38 (l-1) Rules adopted under this chapter may not prohibit the
 2-39 consumption of food or beverages in a public swimming pool or
 2-40 artificial swimming lagoon that is privately owned and operated.

2-41 (n) A county or municipality may:
 2-42 (1) require that the owner or operator of a public
 2-43 swimming pool or of an artificial swimming lagoon within the
 2-44 jurisdiction of the county or municipality obtain a permit for
 2-45 operation of the public swimming pool or artificial swimming
 2-46 lagoon;

2-47 (2) inspect a public swimming pool or an artificial
 2-48 swimming lagoon within the jurisdiction of the county or
 2-49 municipality for compliance with this section; and

2-50 (3) impose and collect a reasonable fee in connection
 2-51 with a permit or inspection required under this subsection provided
 2-52 the following are met:

2-53 (A) the auditor for the county shall review the
 2-54 program every two years to ensure that the fees imposed do not
 2-55 exceed the cost of the program; and

2-56 (B) the county refunds the permit holders any
 2-57 revenue determined by the auditor to exceed the cost of the program.

2-58 (o) A county or municipality may by order close, for the
 2-59 period specified in the order, a public swimming pool or an
 2-60 artificial swimming lagoon within the jurisdiction of the county or
 2-61 municipality if the operation of the public swimming pool or
 2-62 artificial swimming lagoon violates this section or a permitting or
 2-63 inspection requirement imposed by the county or municipality under
 2-64 Subsection (n).

2-65 SECTION 4. Section 341.0645(a), Health and Safety Code, is
 2-66 amended to read as follows:

2-67 (a) An owner, manager, operator, or other attendant in
 2-68 charge of a public swimming pool, wading pool, baby pool, hot tub,
 2-69 in-ground spa, water park, spray fountain, or other artificial body

3-1 of water typically used for recreational swimming, bathing, or play
3-2 shall comply with relevant pool safety standards adopted under this
3-3 section.

3-4 SECTION 5. Section 341.064(m), Health and Safety Code, is
3-5 repealed.

3-6 SECTION 6. The changes in law made by this Act apply only to
3-7 an offense committed on or after the effective date of this Act. An
3-8 offense committed before the effective date of this Act is governed
3-9 by the law in effect on the date the offense was committed, and the
3-10 former law is continued in effect for that purpose. For purposes of
3-11 this section, an offense was committed before the effective date of
3-12 this Act if any element of the offense occurred before that date.

3-13 SECTION 7. This Act takes effect immediately if it receives
3-14 a vote of two-thirds of all the members elected to each house, as
3-15 provided by Section 39, Article III, Texas Constitution. If this
3-16 Act does not receive the vote necessary for immediate effect, this
3-17 Act takes effect September 1, 2017.

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