

# HOUSE BILL REPORT

## HB 1875

---

**As Passed House:**  
March 4, 2011

**Title:** An act relating to water recreation facilities.

**Brief Description:** Concerning water recreation facilities.

**Sponsors:** Representatives Taylor, DeBolt and McCune.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/16/11, 2/17/11 [DP].

**Floor Activity:**

Passed House: 3/4/11, 94-3.

**Brief Summary of Bill**

- Prohibits the Department of Health from requiring water recreation facilities to change equipment that has been determined to be in compliance with manufacturer specifications and that has not been found by a local health jurisdiction to be out of compliance with State Board of Health rules.

---

### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 11 members: Representatives Cody, Chair; Jinkins, Vice Chair; Schmick, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Bailey, Clibborn, Green, Harris, Kelley, Moeller and Van De Wege.

**Staff:** Chris Blake (786-7392).

**Background:**

The State Board of Health (Board) is responsible for adopting rules regarding water recreation facilities. The rules must establish standards for safety, sanitation, and water quality, including design, operation, reporting injuries and illnesses, biological and chemical contamination, water quality monitoring, inspection, permitting, and enforcement. Local health jurisdictions may establish additional rules. The Department of Health (Department)

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

is responsible for enforcing the Board's rules. The Department may enter into joint plans of responsibility with local health jurisdictions to enforce the Board's rules.

**Summary of Bill:**

In the event of the dissolution of a joint plan for the enforcement of water recreation facilities between the Department of Health (Department) and a local health jurisdiction, the Department shall assume enforcement responsibilities. Upon assuming enforcement responsibilities, the Department may not require that a facility change the installation of equipment if it: (1) was installed while the joint plan was in effect; (2) was installed in compliance with manufacturer specifications; (3) has not been found to be out of compliance by the local health jurisdiction; and (4) has not been subject to a recall or a change in specifications.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill will reduce unnecessary regulations due to conflicting agency interpretations. Aquatic facilities are struggling and this will promote interest in swimming by allowing for equipment to make swimming more exciting. Where there are no safety problems with a manufacturer's equipment specifications, then water recreation facilities should not be required to alter equipment with a history of safe operation.

(With concerns) This bill limits the Department of Health's ability to enforce health and safety standards and could place swimmers at risk for serious injury or illness because not all equipment meets Washington standards. There are modifications that can be made in most situations to improve the safety of noncompliant equipment.

(Opposed) None.

**Persons Testifying:** (In support) Representative Taylor, prime sponsor; Dale Pullin, Thorbecke's FitLife Center; and Yolanda McVicker, Natural Structures.

(With concerns) Nancy Napolille, Department of Health.

**Persons Signed In To Testify But Not Testifying:** None.