

# HOUSE BILL REPORT

## HB 1449

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**As Passed House:**  
March 7, 2017

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

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

**Sponsors:** Representatives Manweller and Dent.

**Brief History:**

**Committee Activity:**

Health Care & Wellness: 2/10/17, 2/14/17 [DP].

**Floor Activity:**

Passed House: 3/7/17, 97-0.

**Brief Summary of Bill**

- Exempts certain inflatable equipment at a temporary event from the law governing water recreation facilities.
- Requires the State Board of Health to consider the Centers for Disease Control and Prevention's Model Aquatic Health Code in adopting rules related to recreational water contact facilities.

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### HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass. Signed by 17 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Harris, Jinkins, MacEwen, Maycumber, Riccelli, Robinson, Rodne, Slatter, Stonier and Tharinger.

**Staff:** Alexa Silver (786-7190).

**Background:**

Water recreational facilities are required to obtain an operating permit from the Department of Health or a local health officer. The State Board of Health (Board) is directed by statute to adopt rules governing the safety, sanitation, and water quality of water recreational facilities.

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*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.*

The rules must include requirements for design, operation, injury and illness reporting, contamination standards, water quality monitoring, inspection, permits, and enforcement procedures. In adopting rules related to the operation or design of a recreational water contact facility, the Board must consider any recommendations made by the Recreational Water Contact Facility Advisory Committee. The following types of facilities are exempt from the law governing water recreation facilities: water recreation facilities at a single-family dwelling, therapeutic water facilities operated for physical therapy, and steam baths and saunas.

A "water recreation facility" is defined as an artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation, or swimming, where body contact with the water is intended to occur. It includes swimming pools, "recreational water contact facilities," and spa pools and tubs. "Recreational water contact facilities" are defined to include water slides, wave pools, and water lagoons.

The Secretary of Health (Secretary) is responsible for enforcement of the rules governing water recreational facilities, but the Secretary may develop joint plans of responsibility with a local health jurisdiction. Local boards of health may establish and enforce their own laws in addition to the Board's rules. The Secretary and local health officers may establish and collect fees to cover their costs for enforcement. Both civil and criminal penalties apply for violation of the water recreation facility law, and violators may be assessed a penalty of up to \$500.

The Centers for Disease Control and Prevention's Model Aquatic Health Code is a set of guidelines for state and local governments to develop and update pool codes.

**Summary of Bill:**

The law governing water recreation facilities does not apply to inflatable equipment operated at a temporary event, including inflatable water slides, that do not allow water to pool more than six inches and do not recirculate water.

In adopting rules regarding the design and operation of a recreational water contact facility, the State Board of Health (Board) must review and consider the most recent version of the Centers for Disease Control and Prevention's Model Aquatic Health Code rather than recommendations of the Recreational Water Contact Facility Advisory Committee.

**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) In Grant County, each town has a community festival to raise money for local charities. The festivals have food booths, games for kids, bounce houses, and dunk tanks.

People sometimes spray the bounce house slides with water during the summer. Last year, the Grant County Department of Health required the dunk tanks and bounce houses to be sited like a public pool, which requires an operating permit and a \$900 fee. Grant County is the only county that interprets the law this way. There is no evidence that anyone has been hurt. The state Department of Health (DOH) is trying to stop outbreaks of serious diseases and does not have enough staff to site carnival dunk tanks. The DOH supports this bill. This bill includes a serious piece of work that the DOH needs to ensure that safety, sanitation, and health issues are addressed at water facilities.

(Opposed) None.

**Persons Testifying:** Representative Manweller, prime sponsor; and Kraig Stevenson, International Code Council.

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