

# SENATE BILL REPORT

## HB 1449

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As of March 23, 2017

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

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

**Sponsors:** Representatives Manweller and Dent.

**Brief History:** Passed House: 3/07/17, 97-0.

**Committee Activity:** Health Care: 3/23/17.

### 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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### SENATE COMMITTEE ON HEALTH CARE

**Staff:** Greg Vogel (786-7413)

**Background:** Water Recreation Facility. 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 water occurs or is intended to occur. The term includes, but is not limited to:

- conventional swimming pools, wading pools, and spray pools;
- recreational water contact facilities;
- spa pools and tubs; and
- any area designated for swimming in natural waters with artificial boundaries within the waters.

Recreational water contact facility means an artificial water associated facility with design and operational features that provide recreational activity different from that of a conventional swimming pool, including but not limited to water slides, wave pools, and water lagoons. Water recreation facilities for the sole use of residents and invited guests at a

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single-family dwelling, therapeutic water facilities operated exclusively for physical therapy, and steam baths and saunas are exempt from the law governing water recreation facilities.

Regulation and Enforcement. Water recreation facilities are required to obtain permits from the Department of Health (Department) or a local health officer or authority, as applicable, for the operation, construction, and modification of facilities. The State Board of Health (Board) is directed by statute to adopt rules governing the safety, sanitation, and water quality of water recreation facilities. The rules must include requirements for design, operation, injury and illness reporting, biological and chemical 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 review and consider any recommendations made by the Recreational Water Contact Facility Advisory Committee.

The Secretary of Health (Secretary) is responsible for enforcement of the rules governing water recreation 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 Department and local health officers may establish and collect fees to cover their costs for enforcement. Both civil and criminal penalties apply for violation of any water recreation facility law, and violators may be assessed a penalty of up to \$500.

Model Aquatic Health Code. 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 operation or design of a recreational water contact facility, the Board must review and consider the most recent version of the Centers for Disease Control and Prevention's Model Aquatic Health Code.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill has to do with slides attached to inflatable bounce houses that are set up at local community fairs and parades during the summer. Sometimes during the summer, these slides are sprayed down with hoses, and the rationale being applied is that once the slides are sprayed down with water, these bounce houses are considered pools for permitting purposes. As a consequence, several summer festivals were shut down because bounce houses with slides were not permitted. The same

occurrence was happening to dunk tanks at local events and church events. The Grant County Department of Health is the only department in the state applying the law in this fashion. The state Department of Health agrees that this is an improper application of the law, and the agency is more focused on trying to prevent serious diseases, leaving them little time to send staff out to permit bounce houses that have been sprayed down with a hose.

**Persons Testifying:** PRO: Representative Matt Manweller, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** No one.