Z-0214.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5597**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 69th Legislature 2025 Regular Session**

**By** Senators Harris and Nobles; by request of Department of Health

AN ACT Relating to water recreation facilities; and amending RCW 70.90.110, 70.90.120, 70.90.140, 70.90.150, 70.90.160, 70.90.230, 70.90.240, and 70.90.250.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 70.90.110 and 1991 c 3 s 352 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) "Aquatic facility" means a physical place that contains one or more aquatic venues and support infrastructure.

(2)(a) "Aquatic venue" means an artificially constructed structure where the public is exposed to water intended for recreational or therapeutic use. The term includes, but is not limited to:

(i) Swimming pools, wading pools, spray pools, and spray pads;

(ii) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets;

(iii) Water slides, wave pools, surf pools, and water lagoons;

(iv) Float tanks and cold plunges; and

(v) Any other interactive water venue.

(b) "Aquatic venue" does not include any artificially constructed structure or modified natural structure containing water that is used for watering livestock, irrigation, water storage, fishing, or habitat for aquatic life and is not used by the public for recreational or therapeutic use.

(3) "Board" means the state board of health.

(4) "Department" means the department of health.

(5) "Invited guest" means an individual who is allowed gratuitous use, without payment of any kind.

(6) "Local health jurisdiction" means a public health agency organized under chapter 70.05, 70.08, or 70.46 RCW.

(7) "Local health officer" has the same meaning as in RCW 70.05.010 and may include the local health officer's designee.

(8) "Person" means an individual, firm, partnership, copartnership, corporation, company, association, club, government entity, or organization of any kind.

(9) "Residential aquatic facility" means an aquatic facility at a single-family dwelling that allows use of the facility by individuals, beyond the resident and invited guests, through rental of the facility.

(10) "Residential community" means a group of housing units where people live; it does not include short-term rentals regulated under chapter 64.37 RCW or transient accommodations as defined in RCW 70.62.210 and where transient guests may stay less than 30 days.

(11) "Secretary" means the secretary of health or their designee.

(12) "Water recreation facility" means any ((~~artificial basin~~)) artificially constructed structure or ((~~other~~)) modified natural structure containing water used or intended to be used for recreation, bathing, relaxation, therapy, or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

(a) ((~~Conventional swimming pools, wading pools, and spray pools;~~

~~(b) Recreational water contact facilities as defined in this chapter;~~

~~(c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; and~~

~~(d)~~)) Aquatic facilities as defined in this section; and

(b) Any area designated for swimming in natural waters with artificial boundaries within the waters.

((~~(2) "Recreational water contact facility" means an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, and that includes but is not limited to, water slides, wave pools, and water lagoons.~~

~~(3) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.~~

~~(4) "Secretary" means the secretary of health.~~

~~(5) "Person" means an individual, firm, partnership, co~~‑ ~~partnership, corporation, company, association, club, government entity, or organization of any kind.~~

~~(6) "Department" means the department of health.~~

~~(7) "Board" means the state board of health.~~))

**Sec.**  RCW 70.90.120 and 2017 c 102 s 1 are each amended to read as follows:

(1) The board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, governing safety, sanitation, and water quality for water recreation facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness reporting; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance; and enforcement procedures. ((~~However, a water recreation facility intended for the exclusive use of residents of any apartment house complex or of a group of rental housing units of less than fifteen living units, or of a mobile home park, or of a condominium complex or any group or association of less than fifteen homeowners shall not be subject to preconstruction design review, routine inspection, or permit or fee requirements; and water treatment of hydroelectric reservoirs or natural streams, creeks, lakes, or irrigation canals shall not be required.~~))

(2) The board may adopt minimum health and safety rules for residential aquatic facilities that focus on drowning, injury, and recreational water illness prevention. Rules that may be adopted under this section are limited to the following: Preventing unsupervised use by children, restroom access, emergency equipment, signage, illness and injury reporting, and water quality.

(3) In adopting rules under ((~~subsection (1) of~~)) this section ((~~regarding the operation or design of a recreational water contact facility~~)), the board shall review and consider the most recent version of the United States centers for disease control and prevention's model aquatic health code.

**Sec.**  RCW 70.90.140 and 1986 c 236 s 5 are each amended to read as follows:

The secretary shall enforce the rules adopted under this chapter. The secretary may develop joint plans of responsibility with any local health jurisdiction or other state agency empowered to implement and enforce water recreation rules to administer this chapter.

**Sec.**  RCW 70.90.150 and 1986 c 236 s 6 are each amended to read as follows:

(1) Local health officers may establish and collect fees sufficient to cover their costs incurred in carrying out their duties under this chapter and the rules adopted under this chapter.

(2) The department may establish and collect fees sufficient to cover its costs incurred in carrying out its duties under this chapter. The department shall deposit the fees ((~~shall be deposited~~)) in the state general fund.

(3) A person shall not be required to submit fees at both the state and local levels for the same services.

**Sec.**  RCW 70.90.160 and 1987 c 222 s 7 are each amended to read as follows:

(1) A permit is required for any modification to or construction of ((~~any recreational water contact facility after June 11, 1986, and for any other water recreation facility after July 26, 1987. Water recreation facilities existing on July 26, 1987, which do not comply with the design and construction requirements established by the state board of health under this chapter may continue to operate without modification to or replacement of the existing physical plant, provided the water quality, sanitation, and lifesaving equipment are in compliance with the requirements established under this chapter. However, if any modifications are made to the physical plant of an existing water recreation facility the modifications shall comply with the requirements established under this chapter. The~~)) a water recreation facility.

(2) A person shall submit plans and specifications for the modification or construction ((~~shall be submitted~~)) of a water recreation facility to the ((~~applicable~~)) local ((~~authority~~)) health jurisdiction or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit.

(3) The department or local health jurisdiction shall review plans ((~~shall be reviewed~~)) and may ((~~be approved or rejected or~~)) approve, reject, or impose modifications or conditions ((~~imposed~~)) consistent with this chapter ((~~as the public health or safety may require, and a permit shall be issued or denied within thirty days of submittal~~)). The department or local health jurisdiction shall respond to the applicant for plan review within 30 days after receiving an application. The department or local health jurisdiction shall respond that the application is either approved, denied, or pending.

(4) The department or local health jurisdiction shall approve plans before issuing a construction permit and shall issue a construction permit within 30 days of approving the plans.

(5) Water recreation facilities existing on July 26, 1987, may continue to operate without modification if water quality, sanitation, and lifesaving equipment comply with the requirements established under this chapter. However, if any modifications are made to an existing water recreation facility, the modifications must comply with the requirements established under this chapter.

**Sec.**  RCW 70.90.230 and 1986 c 236 s 14 are each amended to read as follows:

((~~(1) A recreational water contact~~)) An aquatic facility ((~~shall~~)) may not ((~~be operated within the state~~)) operate unless the owner or operator has ((~~purchased insurance~~)):

(1) Insurance in an amount not less than ((~~one hundred thousand dollars~~)) $1,000,000 against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the ((~~recreational water contact~~)) aquatic facility((~~.~~

~~(2) The board may require a recreational water contact facility to purchase insurance in addition to the amount required in subsection (1) of this section.~~)); or

(2) An equivalent form of liability coverage with the ability to respond to damages for bodily injury or death.

**Sec.**  RCW 70.90.240 and 1987 c 222 s 4 are each amended to read as follows:

Every seller of ((~~spas, pools and tubs under RCW 70.90.110(1) (a) and (c)~~)) aquatic venues shall furnish to the purchaser a complete set of operating instructions ((~~which shall include detailed instructions~~)) on the safe use of the ((~~spa, pool, or tub~~)) aquatic venue and ((~~for~~)) the proper treatment of water to reduce health risks to the purchaser. ((~~Included in the~~)) The instructions ((~~shall be~~)) must include information about the health ((~~effects~~)) risks of hot and cold water ((~~and~~)) with a specific caution and explanation of the health ((~~effects of hot water on pregnant women~~)) risks during pregnancy.

**Sec.**  RCW 70.90.250 and 2017 c 102 s 2 are each amended to read as follows:

(1) This chapter applies to all water recreation facilities regardless of whether ownership is public or private and regardless of whether the intended use is commercial or private, except that this chapter shall not apply to:

((~~(1)~~)) (a) Any water recreation facility for the sole use of residents and invited guests at a single-family dwelling;

((~~(2) Therapeutic water facilities operated exclusively for physical therapy;~~

~~(3)~~)) (b) Steam baths and saunas; and

((~~(4)~~)) (c) Inflatable equipment operated at a temporary event, including inflatable water slides, that ((~~do~~)):

(i) Do not allow water to pool more than six inches ((~~and do~~));

(ii) Do not recirculate water; and

(iii) Do not retain water when the equipment is not in use, such as overnight.

(2) A water recreation facility intended for the exclusive use of residents of a residential community consisting of less than 15 living units is exempt from preconstruction design review, routine inspection, permit, and fee requirements. Residential communities may include apartment complexes, groups of rental housing units, mobile home parks, condominium complexes, or homeowner groups or associations.

(3) Residential aquatic facilities are exempt from preconstruction design review, plan submittal, routine inspection, permits, and fee requirements.

**--- END ---**