
SUBSTITUTE HOUSE BILL 1684

State of Washington

69th Legislature

2025 Regular Session

By House Local Government (originally sponsored by Representatives Thai and Pollet; by request of Department of Health)

READ FIRST TIME 02/21/25.

1 AN ACT Relating to water recreation facilities; and amending RCW
2 70.90.110, 70.90.120, 70.90.140, 70.90.150, 70.90.160, 70.90.230,
3 70.90.240, and 70.90.250.

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

5 **Sec. 1.** RCW 70.90.110 and 1991 c 3 s 352 are each amended to
6 read as follows:

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

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

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

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

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

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

19 (iv) Float tanks and cold plunges; and

20 (v) Any other interactive water venue.

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

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

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

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

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

12 (7) "Local health officer" has the same meaning as in RCW
13 70.05.010 and may include the local health officer's designee.

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

17 (9) "Residential community" means a group of housing units where
18 people live; it does not include short-term rentals regulated under
19 chapter 64.37 RCW or transient accommodations as defined in RCW
20 70.62.210 and where transient guests may stay less than 30 days.

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

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

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

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

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

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

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

37 ((~~2) "Recreational water contact facility" means an artificial~~
38 ~~water associated facility with design and operational features that~~
39 ~~provide patron recreational activity which is different from that~~
40 ~~associated with a conventional swimming pool and purposefully~~

1 involves immersion of the body partially or totally in the water, and
2 that includes but is not limited to, water slides, wave pools, and
3 water lagoons.

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

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

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

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

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

13 **Sec. 2.** RCW 70.90.120 and 2017 c 102 s 1 are each amended to
14 read as follows:

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

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

35 **Sec. 3.** RCW 70.90.140 and 1986 c 236 s 5 are each amended to
36 read as follows:

37 The secretary shall enforce the rules adopted under this chapter.
38 The secretary may develop joint plans of responsibility with any

1 local health jurisdiction or other state agency empowered to
2 implement and enforce water recreation rules to administer this
3 chapter.

4 **Sec. 4.** RCW 70.90.150 and 1986 c 236 s 6 are each amended to
5 read as follows:

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

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

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

15 **Sec. 5.** RCW 70.90.160 and 1987 c 222 s 7 are each amended to
16 read as follows:

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

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

36 (3) The department or local health jurisdiction shall review
37 plans (~~shall be reviewed~~) and may (~~be approved or rejected or~~)
38 approve, reject, or impose modifications or conditions (~~imposed~~)

1 consistent with this chapter (~~as the public health or safety may~~
2 ~~require, and a permit shall be issued or denied within thirty days of~~
3 ~~submittal~~). The department or local health jurisdiction shall
4 respond to the applicant for plan review within 30 days after
5 receiving an application. The department or local health jurisdiction
6 shall respond that the application is either approved, denied, or
7 pending.

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

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

17 **Sec. 6.** RCW 70.90.230 and 1986 c 236 s 14 are each amended to
18 read as follows:

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

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

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

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

31 **Sec. 7.** RCW 70.90.240 and 1987 c 222 s 4 are each amended to
32 read as follows:

33 Every seller of (~~((spas, pools and tubs under RCW 70.90.110(1) (a)~~
34 ~~and (c))~~) aquatic venues shall furnish to the purchaser a complete
35 set of operating instructions (~~((which shall include detailed~~
36 ~~instructions))~~) on the safe use of the (~~((spa, pool, or tub))~~) aquatic
37 venue and (~~((for))~~) the proper treatment of water to reduce health
38 risks to the purchaser. (~~((Included in the))~~) The instructions (~~((shall~~

1 be)) must include information about the health ((effects)) risks of
2 hot and cold water ((and)) with a specific caution and explanation of
3 the health ((effects of hot water on pregnant women)) risks during
4 pregnancy.

5 **Sec. 8.** RCW 70.90.250 and 2017 c 102 s 2 are each amended to
6 read as follows:

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

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

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

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

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

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

19 (ii) Do not recirculate water; and

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

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

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