

An Act

ENROLLED HOUSE
BILL NO. 4035

By: Townley, Hefner, and
Cantrell of the House

and

Haste of the Senate

An Act relating to public health and safety; regulating public pools and spas by the State Department of Health; providing exceptions to regulations; providing for promulgation of rules; providing certain regulations in certain circumstances; providing for public nuisance; repealing 63 O.S. 2021, Sections 1-1013, 1-1013.1, 1-1014, 1-1015, 1-1016, 1-1017, 1-1018, 1-1019, 1-1020, 1-1020.1, and 1-1021, which relate to public pools and spas regulations and guidelines; providing for codification; and providing an effective date.

SUBJECT: Public health and safety

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1022 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health shall regulate public pools and spas. The Department shall not regulate:

1. Spray pads, spray grounds, or splash pads intended for use by children in which the water is supplied by a system of sprays and does not accumulate above ground;
2. Pools located at private residences;

3. Pools run by a homeowner's association where pools or spas are limited to use by the homeowner group and their nonpaying guests; and

4. Public or semipublic pools where the main objective is the external cleansing of the body.

B. The State Commissioner of Health shall promulgate rules for the safety and sanitation of public pools and spas, fees for construction permit applications, fees for operation license applications, fines for violations of safety and sanitation requirements, and revocation standards for noncompliance. Municipalities with a population of five thousand (5,000) or less, according to the latest Federal Decennial Census, shall be charged no more than Fifty Dollars (\$50.00) for construction permit applications and for operation license applications.

C. All public pool and spa owners shall apply for a construction permit on a form designated by the State Department of Health. Pool and spa designs shall be based on the International Swimming Pool and Spa Code, which may be promulgated into rule by the State Department of Health. Construction permit applications shall include plans prepared by a licensed professional engineer. Pool and spa owners must possess a construction permit from the State Department of Health prior to beginning construction.

D. Public pools and spas shall be licensed annually by the Department. Public pool and spa owners shall apply for licensure on a form designated by the Department.

E. Public pool and spa owners must allow an authorized representative from the State Department of Health access for the purposes of an inspection. Public pool and spa owners, managers, operators, and attendants shall be responsible for maintaining sanitary and safe conditions. All owners, managers, operators, and attendants in charge of a public pool or spa shall be responsible for ensuring safety and sanitation requirements are met when operational. All pool and spa owners shall maintain records demonstrating compliance and shall provide to the State Department of Health upon request. The Department shall report any suspected illegal activity on the premises of licensed public pools and spas to the appropriate enforcement authority.

F. Every public pool and spa shall be secured for the purposes of preventing public access during the months in which it is not

operational. Public pools and spas that are out of compliance with safety and sanitation requirements during three consecutive inspections shall be considered a public nuisance. These pools shall be considered permanently closed by the municipality in which the public pool is located. Permanently closed pools and spas shall be completely filled in, or fully drained and secured by constructing or utilizing a barrier adequate for the prevention of unauthorized persons. Municipalities may secure permanently closed public pools and spas and charge the costs thereof against the taxes of the owner. Permanently closed pools and spas fully drained and secured by a barrier shall complete the initial licensure process prior to opening to the public. Permanently closed pools that have been filled in shall be required to complete the construction permit application process prior to the completion of the initial licensure application process.

SECTION 2. REPEALER 63 O.S. 2021, Sections 1-1013, 1-1013.1, 1-1014, 1-1015, 1-1016, 1-1017, 1-1018, 1-1019, 1-1020, 1-1020.1, and 1-1021, are hereby repealed.

SECTION 3. This act shall become effective November 1, 2024.

Passed the House of Representatives the 4th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 16th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____