

1 ENGROSSED HOUSE  
2 BILL NO. 4035

By: Townley, Hefner, and  
Cantrell of the House

3 and

4 Haste of the Senate  
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7 An Act relating to public health and safety;  
8 regulating public pools and spas by the State  
9 Department of Health; providing exceptions to  
10 regulations; providing for promulgation of rules;  
11 providing certain regulations in certain  
12 circumstances; providing for public nuisance;  
13 repealing 63 O.S. 2021, Sections 1-1013, 1-1013.1, 1-  
14 1014, 1-1015, 1-1016, 1-1017, 1-1018, 1-1019, 1-1020,  
15 1-1020.1, and 1-1021, which relate to public pools  
16 and spas regulations and guidelines; providing for  
17 codification; and providing an effective date.

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

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

24 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;

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

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

6        B. The State Commissioner of Health shall promulgate rules for  
7 the safety and sanitation of public pools and spas, fees for  
8 construction permit applications, fees for operation license  
9 applications, fines for violations of safety and sanitation  
10 requirements, and revocation standards for noncompliance.

11 Municipalities with a population of five thousand (5,000) or less,  
12 according to the latest Federal Decennial Census, shall be charged  
13 no more than Fifty Dollars (\$50.00) for construction permit  
14 applications and for operation license applications.

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

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

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

16 F. Every public pool and spa shall be secured for the purposes  
17 of preventing public access during the months in which it is not  
18 operational. Public pools and spas that are out of compliance with  
19 safety and sanitation requirements during three consecutive  
20 inspections shall be considered a public nuisance. These pools  
21 shall be considered permanently closed by the municipality in which  
22 the public pool is located. Permanently closed pools and spas shall  
23 be completely filled in, or fully drained and secured by  
24 constructing or utilizing a barrier adequate for the prevention of

1 unauthorized persons. Municipalities may secure permanently closed  
2 public pools and spas and charge the costs thereof against the taxes  
3 of the owner. Permanently closed pools and spas fully drained and  
4 secured by a barrier shall complete the initial licensure process  
5 prior to opening to the public. Permanently closed pools that have  
6 been filled in shall be required to complete the construction permit  
7 application process prior to the completion of the initial licensure  
8 application process.

9 SECTION 2. REPEALER 63 O.S. 2021, Sections 1-1013, 1-  
10 1013.1, 1-1014, 1-1015, 1-1016, 1-1017, 1-1018, 1-1019, 1-1020, 1-  
11 1020.1, and 1-1021, are hereby repealed.

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

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

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Presiding Officer of the House  
of Representatives

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18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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Presiding Officer of the Senate

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