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March 28, 2024

ENGROSSED 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.

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

4 2. Pools located at private residences;

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

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

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

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

1 Pool and spa owners must possess a construction permit from the
2 State Department of Health prior to beginning construction.

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

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

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

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

11 SECTION 2. REPEALER 63 O.S. 2021, Sections 1-1013, 1-
12 1013.1, 1-1014, 1-1015, 1-1016, 1-1017, 1-1018, 1-1019, 1-1020, 1-
13 1020.1, and 1-1021, are hereby repealed.

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

15 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
16 March 28, 2024 - DO PASS
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