

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 4035</b>
<b>Version:</b>	<b>PCS2</b>
<b>Request Number:</b>	<b>10182</b>
<b>Author:</b>	<b>Rep. Townley</b>
<b>Date:</b>	<b>2/14/2024</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

The second proposed committee substitute to House Bill 4035 establishes regulations for public pools and spas and tasks the State Department of Health with regulating these facilities, with specific exemptions for certain types of pools like those at private residences or run by Homeowner's Associations for exclusive use. The State Commissioner of Health is authorized to create rules ensuring safety and sanitation, set fees, and define penalties for non-compliance. The measure sets the cost for construction permit applications and operation license applications at \$50.00 for municipalities with a population of 5,000 or less, according to the latest Federal Decennial Census. The measure also requires public pool owners to apply for construction permits via a form designated by the Department, base designs on the International Swimming Pool and Spa Code, possess an annual license, and allow Department inspections. Pools found non-compliant during consecutive inspections may be considered a public nuisance and permanently closed, filled in or fully drained, and secured. Costs associated with the closure may be charged to the owner's taxes. Permanently closed pools must go through the licensure or construction permit process before reopening to the public.

The measure also repeals the following:

- [63 O.S. Section 1-1013](#), which refers to the Definition of Public Bathing Place
- [63 O.S. Section 1- 1013.1](#), which refers to the Annual License Required for Operation of Public Bathing Place
- [63 O.S. Section 1-1013.2](#), which refers to Acts for Which License for Public Bathing Place May be Suspended or Revoked
- [63 O.S. Section 1-1014](#), which refers to Standards and Rules Governing Sanitation, Healthfulness, Safety, and Design of Public Bathing Places
- [63 O.S. Section 1-1015](#), which refers to Sanitation and Safety
- [63 O.S. Section 1-1016](#), which refers to Construction and Finish - Toilet Facilities - Drinking Fountains - Hot and Cold Water - Design and Equipment
- [63 O.S. Section 1-1016A](#), which refers to Procedure for Use of Public Restrooms
- [63 O.S. Section 1-1016B](#), which refers to Penalty
- [63 O.S. Section 1-1017](#), which refers to Plans and Specifications
- [63 O.S. Section 1-1018](#), which refers to Examinations and Investigations
- [63 O.S. Section 1-1019](#), which refers to Records
- [63 O.S. Section 1-1020](#), which refers to Noncompliance With Law
- [63 O.S. Section 1-1020.1](#), which refers to Reinspection of Public Bathing Place Declared to be a Nuisance
- [63 O.S. Section 1-1021](#), which refers to Permanently Out of Service Public Bathing Places Deemed Public Nuisances

### **Fiscal Analysis**

HB 4035 mandates the Oklahoma State Department of Health (OSDH) to establish safety and sanitation regulations for public pools and spas, exempting pools intended for external cleansing of the body from the Department's regulation.

Officials from OSDH anticipate numerous efficiencies within the Department from the enactment of this legislation and do not anticipate a negative fiscal impact on the state budget or appropriations due to the provisions of this measure.

The PCS2 does not affect the fiscal impact of this measure.

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### **Other Considerations**

None.