

*Reprinted*

1992

SENATE FILE 2218  
BY COMMITTEE ON STATE  
GOVERNMENT  
*Approved (p. 424)*  
(SUCCESSOR TO SSB 2157)

Passed Senate, Date 3/13/92 (p. 766) Passed House, Date 4/23/92 (p. 1763)  
Vote: Ayes 43 Nays 2 Vote: Ayes 93 Nays 5  
Approved May 4, 1992

A BILL FOR

1 An Act relating to the regulation of swimming pools and spas  
2 regulated by the Iowa department of public health.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*SF 2218*

1 Section 1. Section 135I.2, Code 1991, is amended to read  
2 as follows:

3 135I.2 APPLICABILITY.

4 This chapter applies to all swimming pools and spas owned  
5 or operated by local or state government, or commercial  
6 interests or private entities including, but not limited to,  
7 facilities operated by cities, counties, public or private  
8 school corporations, hotels, motels, camps, ~~apartments~~;  
9 ~~condominiums~~; and health or country clubs. This chapter does  
10 not apply to facilities intended for single family use or  
11 facilities primarily used by residents of apartments or  
12 condominiums. To avoid duplication and promote coordination  
13 of inspection activities, the department may enter into  
14 agreements pursuant to chapter 28E with a local board of  
15 health or multiple boards of health representing contiguous  
16 areas to provide for inspection and enforcement in accordance  
17 with this chapter.

18 Sec. 2. Section 135I.3, Code 1991, is amended to read as  
19 follows:

20 135I.3 REGISTRATION REQUIRED.

21 A person shall not operate a swimming pool or spa without  
22 first having registered with the department. A nonrefundable  
23 registration fee not to exceed fifty dollars shall accompany  
24 the initial registration application and each subsequent  
25 renewal application. Registration shall be renewed annually.

26 Sec. 3. Section 135I.4, subsection 4, Code 1991, is  
27 amended to read as follows:

28 4. Establish and collect fees to defray the cost of  
29 administering this chapter. However, the portion of fees  
30 needed to defray the costs of a local board of health in  
31 implementing this chapter shall be established by the local  
32 board of health. A fee imposed for each inspection of a  
33 swimming pool or spa shall not exceed three hundred dollars  
34 and shall not be collected until each inspection has been  
35 performed.

EXPLANATION

1  
2 This bill excludes from regulation by the Iowa department  
3 of public health, swimming pools and spas owned or operated by  
4 apartments or condominiums and those facilities primarily used  
5 by residents of apartments or condominiums. The bill also  
6 requires that a nonrefundable registration fee, not to exceed  
7 \$50, accompany each initial and renewal registration  
8 application and requires the payment of an inspection fee, not  
9 to exceed \$300 per inspection and that the inspection fee not  
10 be collected until each inspection has been performed.

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## SENATE FILE 2218

S-5163

1 Amend Senate File 2218 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 135I.2, Code 1991, is amended  
5 to read as follows:

6 135I.2 APPLICABILITY.

7 This chapter applies to all swimming pools and spas  
8 owned or operated by local or state government, or  
9 commercial interests or private entities including,  
10 but not limited to, facilities operated by cities,  
11 counties, public or private school corporations,  
12 hotels, motels, camps, apartments, condominiums, and  
13 health or country clubs. This chapter does not apply  
14 to facilities intended for single family use. To  
15 avoid duplication and promote coordination of  
16 inspection activities, the department may enter into  
17 agreements pursuant to chapter 28E with a local board  
18 of health ~~or multiple boards of health representing~~  
19 ~~contiguous areas~~ to provide for inspection and  
20 enforcement in accordance with this chapter.

21 Sec. 2. Section 135I.4, subsections 3, 4, and 6,  
22 Code 1991, are amended to read as follows:

23 3. Establish minimum qualifications for swimming  
24 pool, spa, and waterslide operators and lifeguards.  
25 Swimming pools operated by apartments or condominiums  
26 are exempt from requirements regarding lifeguards.

27 4. Establish and collect fees to defray the cost  
28 of administering this chapter. It is the intent of  
29 the general assembly that fees collected under this  
30 chapter be used to defray the cost of administering  
31 this chapter. However, the portion of fees needed to  
32 defray the costs of a local board of health in  
33 implementing this chapter shall be established by the  
34 local board of health.

35 6. Enter into agreements with a local board of  
36 health ~~or local boards of health in a contiguous area~~  
37 to implement the inspection and enforcement provisions  
38 of this chapter. The agreements shall provide that  
39 the fees established by the local board ~~or boards~~ of  
40 health for inspection and enforcement shall be  
41 retained by the local board ~~or boards~~. A local board  
42 of health ~~or boards of health in a contiguous area~~ may  
43 enter into such an agreement with the department.  
44 However, inspection fees shall not be charged by the  
45 department for facilities which are inspected by  
46 third-party authorities. Third-party authorities  
47 shall be approved by the department. The department  
48 shall monitor and certify the inspection and  
49 enforcement programs of local boards of health and  
50 approved third-party authorities."

By JEAN LLOYD-JONES

S-5163 FILED MARCH 10, 1992

*Adopted as amended 3/13 (p. 766)*

## SENATE FILE 2218

S-5194

1 Amend the amendment, S-5163, to Senate File 2218,  
2 as follows:

3 1. Page 1, by inserting before line 4, the  
4 following:

5 "Section 1. Section 135I.1, Code Supplement 1991,  
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 5. "Swimming pool or spa water  
8 heater" means an appliance designed for heating  
9 nonpotable water stored at atmospheric pressure, such  
10 as water in a swimming pool, spa, hot tub, or for  
11 similar uses."

12 2. Page 1, line 21, by inserting after the figure  
13 "135I.4," the following: "unnumbered paragraph 1  
14 and".

15 3. Page 1, by inserting after line 22, the  
16 following:

17 "The department is responsible for registering and  
18 regulating the operation of swimming pools, and spas,  
19 and, notwithstanding chapter 89, swimming pool or spa  
20 water heaters. The department shall conduct seminars  
21 and training sessions, and disseminate information  
22 regarding health practices, safety measures, and  
23 operating procedures required under this chapter. The  
24 department may:".

25 4. Page 1, line 25, by striking the words "or  
26 condominiums" and inserting the following: ",  
27 condominiums, or mobile home parks".

28 5. Page 1, by striking lines 41 through 43, and  
29 inserting the following: "retained by the local board  
30 ~~or-boards. A-local-board-of-health-or-boards-of~~  
31 ~~health-in-a-contiguous-area-may-enter-into-such-an~~  
32 ~~agreement-with-the-department."~~

33 6. Page 1, by inserting after line 50, the  
34 following:

35 "Sec. \_\_\_\_\_. Section 135I.6, Code 1991, is amended  
36 to read as follows:

37 135I.6 ENFORCEMENT.

38 If the department or a local board ~~or-boards~~ of  
39 health acting pursuant to agreement with the  
40 department determines that a provision of this chapter  
41 or a rule adopted pursuant to this chapter has been or  
42 is being violated, the department or the local board  
43 ~~or-boards~~ of health may order that a facility or item  
44 of equipment not be used until the necessary  
45 corrective action has been taken. The department or  
46 the local board of health may request the county  
47 attorney to bring appropriate legal proceedings to  
48 enforce this chapter, including an action to enjoin  
49 violations. The attorney general may also institute  
50 appropriate legal proceedings at the request of the

S-5194

S-5194

Page 2

1 department. This remedy is in addition to any other  
2 legal remedy available to the department or a local  
3 board or boards of health."

4 "\_\_\_\_\_. Title page, line 1, by striking the words  
5 "and spas" and inserting the following: "spas, and  
6 swimming pool or spa water heaters".

7 7. By renumbering as necessary.

By JIM LIND

JEAN BLOYD-JONES

S-5194 FILED MARCH 11, 1992

*Adopted 3/13 (p. 766)*

## SENATE FILE 2218

S-5206

1 Amend amendment, S-5163 to Senate File 2218 as  
2 follows:

3 1. Page 1, by inserting after line 50 the  
4 following:

5 "Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed  
6 of immediate importance, takes effect upon enactment."

7 \_\_\_\_\_. Title page, line 2, by inserting after the  
8 word "health" the following: "and providing an  
9 effective date".

By JIM LIND

S-5206 FILED MARCH 12, 1992

*Adopted 3/13 (p. 766)*

*substituted for HF 2422*

SENATE FILE 2218  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 2157)

(AS AMENDED AND PASSED BY THE SENATE MARCH 13, 1992)  
ALL New Languge by the Senate

Re. Passed Senate, Date 4/27/92 (p. 1642) Passed House, Date 4/23/92 (p. 1763)  
Vote: Ayes 42 Nays 1 Vote: Ayes 93 Nays 5  
Approved May 4, 1992

A BILL FOR

1 An Act relating to the regulation of swimming pools, spas, and  
2 swimming pool or spa water heaters regulated by the Iowa  
3 department of public health and providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135I.1, Code Supplement 1991, is  
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 5. "Swimming pool or spa water heater"  
4 means an appliance designed for heating nonpotable water  
5 stored at atmospheric pressure, such as water in a swimming  
6 pool, spa, hot tub, or for similar uses.

7 Sec. 2. Section 135I.2, Code 1991, is amended to read as  
8 follows:

9 135I.2 APPLICABILITY.

10 This chapter applies to all swimming pools and spas owned  
11 or operated by local or state government, or commercial  
12 interests or private entities including, but not limited to,  
13 facilities operated by cities, counties, public or private  
14 school corporations, hotels, motels, camps, apartments,  
15 condominiums, and health or country clubs. This chapter does  
16 not apply to facilities intended for single family use. To  
17 avoid duplication and promote coordination of inspection  
18 activities, the department may enter into agreements pursuant  
19 to chapter 28E with a local board of health ~~or multiple boards~~  
20 ~~of health representing contiguous areas~~ to provide for  
21 inspection and enforcement in accordance with this chapter.

22 Sec. 3. Section 135I.4, unnumbered paragraph 1 and  
23 subsections 3, 4, and 6, Code 1991, are amended to read as  
24 follows:

25 The department is responsible for registering and  
26 regulating the operation of swimming pools, ~~and spas, and,~~  
27 notwithstanding chapter 89, swimming pool or spa water  
28 heaters. The department shall conduct seminars and training  
29 sessions, and disseminate information regarding health  
30 practices, safety measures, and operating procedures required  
31 under this chapter. The department may:

32 3. Establish minimum qualifications for swimming pool,  
33 spa, and waterslide operators and lifeguards. Swimming pools  
34 operated by apartments, condominiums, or mobile home parks are  
35 exempt from requirements regarding lifeguards.

1 4. Establish and collect fees to defray the cost of  
2 administering this chapter. It is the intent of the general  
3 assembly that fees collected under this chapter be used to  
4 defray the cost of administering this chapter. However, the  
5 portion of fees needed to defray the costs of a local board of  
6 health in implementing this chapter shall be established by  
7 the local board of health.

8 6. Enter into agreements with a local board of health or  
9 ~~local-boards-of-health-in-a-contiguous-area~~ to implement the  
10 inspection and enforcement provisions of this chapter. The  
11 agreements shall provide that the fees established by the  
12 local board or-boards of health for inspection and enforcement  
13 shall be retained by the local board or-boards. ~~A-local-board~~  
14 ~~of-health-or-boards-of-health-in-a-contiguous-area-may-enter~~  
15 ~~into-such-an-agreement-with-the-department.~~ However,  
16 inspection fees shall not be charged by the department for  
17 facilities which are inspected by third-party authorities.  
18 Third-party authorities shall be approved by the department.  
19 The department shall monitor and certify the inspection and  
20 enforcement programs of local boards of health and approved  
21 third-party authorities."

22 Sec. 4. Section 135I.6, Code 1991, is amended to read as  
23 follows:

24 135I.6 ENFORCEMENT.

25 If the department or a local board or-boards of health  
26 acting pursuant to agreement with the department determines  
27 that a provision of this chapter or a rule adopted pursuant to  
28 this chapter has been or is being violated, the department or  
29 the local board or-boards of health may order that a facility  
30 or item of equipment not be used until the necessary  
31 corrective action has been taken. The department or the local  
32 board of health may request the county attorney to bring  
33 appropriate legal proceedings to enforce this chapter,  
34 including an action to enjoin violations. The attorney  
35 general may also institute appropriate legal proceedings at

1 the request of the department. This remedy is in addition to  
2 any other legal remedy available to the department or a local  
3 board or-boards of health.

4 Sec. 5. EFFECTIVE DATE. This Act, being deemed of  
5 immediate importance, takes effect upon enactment.

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SENATE FILE 2218

H-5598

1 Amend Senate File 2218, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, lines 14 and 15, by striking the words  
4 "apartments, condominiums," and inserting the follow-  
5 ing: "apartments, condominiums,".

6 2. Page 1, line 16, by inserting after the word  
7 "use" the following: ", apartments, or condominiums".

8 3. Page 1, line 34, by striking the words  
9 "apartments, condominiums, or".

By MILLER of Cherokee

H-5598 FILED MARCH 30, 1992

*Law 4/23 (p. 1762)*

SENATE FILE 2218

H-5584

1 Amend Senate File 2218, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. Section 25A.14, subsection 13, Code  
6 Supplement 1991, is amended by striking the  
7 subsection.

8 Sec. 2. Section 613A.4, subsection 12, Code 1991,  
9 is amended by striking the subsection.

10 Sec. 3. Sections 135I.2 through 135I.6, Code 1991,  
11 are repealed.

12 Sec. 4. Section 135I.1, Code Supplement 1991, is  
13 repealed."

14 2. Title page, lines 1 and 2, by striking the  
15 words ", spas, and swimming pool or spa water heaters"  
16 and inserting the following: "and spas".

17 3. Title page, line 3, by striking the words "and  
18 providing an effective date".

By CORBETT of Linn  
MILLER of Cherokee

H-5584 FILED MARCH 30, 1992

*Law 3/31 (p. 940)*

SENATE FILE 2218

H-5594

1 Amend Senate File 2218, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 16, by inserting after the word  
4 "family" the following: "or private neighborhood".

5 2. Page 1, line 34, by inserting after the word  
6 "condominiums," the following: "neighborhoods,".

By DIEMER of Black Hawk

H-5594 FILED MARCH 30, 1992

*W/D 4/23*

SENATE FILE 2218

H-5623

1 Amend the amendment, H-5594, to Senate File 2218,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 4, by striking the word "or" and  
5 inserting the following: "country club, or".

6 2. Page 1, line 6, by inserting after the word  
7 "neighborhoods," the following: "country clubs,".

By HIBBARD of Madison

H-5623 FILED MARCH 31, 1992

*Placed o/o 4/23 (p. 1762)*

SENATE FILE 2218

H-5624

1 Amend the amendment, H-5598, to Senate File 2218,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 4 and 5 and in-  
5 serting the following: "apartments, condominiums,  
6 and health or country clubs" and inserting the  
7 following: "apartments, condominiums, and health or  
8 country clubs".

9 2. Page 1, line 7, by striking the word "or".

10 3. Page 1, line 7, by inserting after the word  
11 "condominiums" the following: ", or country clubs".

By HIBBARD of Madison

H-5624 FILED MARCH 31, 1992

*W/O 4/23*

SENATE FILE 2218

H-5633

1 Amend Senate File 2218 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, line 7, by inserting after the word  
4 "health." the following: "A fee imposed for the  
5 inspection of a swimming pool or spa shall not be  
6 collected until the inspection has actually been  
7 performed."

By HIBBARD of Madison

H-5633 FILED MARCH 31, 1992

*Adopted 4/23 (p. 1763)*

SENATE FILE 2218

H-5912

1 Amend Senate File 2218, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 34, by inserting after the word  
4 "condominiums," the following: "country clubs,  
5 neighborhoods,".

By NEUHAUSER of Johnson

H-5912 FILED APRIL 15, 1992

*Adopted 4/23 (p. 1762)*

HOUSE AMENDMENT TO  
SENATE FILE 2218

S-5877

1 Amend Senate File 2218, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 34, by inserting after the word  
4 "condominiums," the following: "country clubs,  
5 neighborhoods,".

6 2. Page 2, line 7, by inserting after the word  
7 "health." the following: "A fee imposed for the  
8 inspection of a swimming pool or spa shall not be  
9 collected until the inspection has actually been  
10 performed."

11 3. By renumbering, relettering, or redesignating  
12 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5877 FILED APRIL 24, 1992

*Senate concurred 4/27/92 (p. 16.42)*

LIND, CH.  
PRIEBE  
DIELEMAN  
BUHR  
VANDERHOEF

SSB 2157

STATE GOVERNMENT  
Now

SENATE FILE

2218

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON KIBBIE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the size of swimming pools and wading pools  
2 regulated by the Iowa department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 135I.1, subsection 4, Code Supplement  
2 1991, is amended to read as follows:

3 4. "Swimming pool" means an artificial basin and its  
4 appurtenances, either constructed or operated for swimming,  
5 wading, or diving, and includes a swimming pool, or wading  
6 pool of more than two thousand five hundred square feet,  
7 waterslide, or associated bathhouse. "Swimming pool" does not  
8 include a decorative fountain which does not serve primarily  
9 as a wading or swimming pool and if the drain of which the  
10 fountain is not connected to any type of suction device for  
11 removing or recirculating the water.

12

EXPLANATION

13 This bill limits regulation of swimming pools and wading  
14 pools by the Iowa department of public health to only those  
15 swimming pools and wading pools of greater than 2,500 square  
16 feet.

17 This bill may impose a state mandate under chapter 25B.

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SENATE FILE 2218

AN ACT

RELATING TO THE REGULATION OF SWIMMING POOLS, SPAS, AND SWIMMING POOL OR SPA WATER HEATERS REGULATED BY THE IOWA DEPARTMENT OF PUBLIC HEALTH AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135I.1, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 5. "Swimming pool or spa water heater" means an appliance designed for heating nonpotable water stored at atmospheric pressure, such as water in a swimming pool, spa, hot tub, or for similar uses.

Sec. 2. Section 135I.2, Code 1991, is amended to read as follows:

135I.2 APPLICABILITY.

This chapter applies to all swimming pools and spas owned or operated by local or state government, or commercial interests or private entities including, but not limited to, facilities operated by cities, counties, public or private school corporations, hotels, motels, camps, apartments, condominiums, and health or country clubs. This chapter does not apply to facilities intended for single family use. To avoid duplication and promote coordination of inspection activities, the department may enter into agreements pursuant to chapter 28E with a local board of health or multiple boards of health representing contiguous areas to provide for inspection and enforcement in accordance with this chapter.

Sec. 3. Section 135I.4, unnumbered paragraph 1 and subsections 3, 4, and 5, Code 1991, are amended to read as follows:

The department is responsible for registering and regulating the operation of swimming pools, and spas, and ~~notwithstanding Chapter 89, swimming pool or spa water heaters.~~ The department shall conduct seminars and training

sessions, and disseminate information regarding health practices, safety measures, and operating procedures required under this chapter. The department may:

3. Establish minimum qualifications for swimming pool, spa, and waterslide operators and lifeguards. Swimming pools operated by apartments, condominiums, country clubs, neighborhoods, or mobile home parks are exempt from requirements regarding lifeguards.

4. Establish and collect fees to defray the cost of administering this chapter. It is the intent of the general assembly that fees collected under this chapter be used to defray the cost of administering this chapter. However, the portion of fees needed to defray the costs of a local board of health in implementing this chapter shall be established by the local board of health. A fee imposed for the inspection of a swimming pool or spa shall not be collected until the inspection has actually been performed.

6. Enter into agreements with a local board of health or local boards of health in a contiguous area to implement the inspection and enforcement provisions of this chapter. The agreements shall provide that the fees established by the local board or boards of health for inspection and enforcement shall be retained by the local board or boards. ~~A local board of health or boards of health in a contiguous area may enter into such an agreement with the department.~~ However, inspection fees shall not be charged by the department for facilities which are inspected by third-party authorities. Third-party authorities shall be approved by the department. The department shall monitor and certify the inspection and enforcement programs of local boards of health and approved third-party authorities.

Sec. 4. Section 135I.6, Code 1991, is amended to read as follows:

135I.6 ENFORCEMENT.

If the department or a local board or boards of health acting pursuant to agreement with the department determines that a provision of this chapter or a rule adopted pursuant to

this chapter has been or is being violated, the department or the local board or-boards of health may order that a facility or item of equipment not be used until the necessary corrective action has been taken. The department or the local board of health may request the county attorney to bring appropriate legal proceedings to enforce this chapter, including an action to enjoin violations. The attorney general may also institute appropriate legal proceedings at the request of the department. This remedy is in addition to any other legal remedy available to the department or a local board or-boards of health.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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MICHAEL E. GRONSTAL  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2218, Seventy-fourth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 4, 1992

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TERRY E. BRANSTAD  
Governor