

135I.4 Powers and duties.

The department is responsible for registering and regulating the operation of spray pads, swimming pools, spas, and, notwithstanding [chapter 89](#), spray pad, 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:

1. Inspect, at the time of installation and periodically thereafter, all spray pads, swimming pools, and spas for the purpose of detecting and eliminating health or safety hazards.

2. Establish minimum safety and sanitation criteria for the operation and use of spray pads, swimming pools, and spas.

3. Establish minimum qualifications for swimming pool, spa, and waterslide operators and lifeguards. Swimming pools operated by apartments, condominiums, country clubs, neighborhoods, or manufactured home communities 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 spray pad, swimming pool, or spa shall not be collected until the inspection has actually been performed.

5. Adopt rules in accordance with [chapter 17A](#) for the implementation and enforcement of [this chapter](#) and the establishment of fees.

6. Enter into agreements with a local board of health to implement the inspection and enforcement provisions of [this chapter](#). The agreements shall provide that the fees established by the local board of health for inspection and enforcement shall be retained by the local board. 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.

[89 Acts, ch 291, §4](#); [92 Acts, ch 1194, §3](#); [92 Acts, ch 1237, §9](#); [2001 Acts, ch 153, §16](#); [2007 Acts, ch 159, §22](#); [2023 Acts, ch 57, §4, 5, 7](#)