SENATE FILE 399
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 1134)

(As Amended and Passed by the Senate March 15, 2023)

_____ and [= New Language by the Senate

A BILL FOR

An Act relating to the registration and regulation of spray pads, swimming pools, and spas owned or operated by local or state government, commercial interests, or certain private entities, making penalties applicable, and including effective date provisions.

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

Section 1. Section 135I.1, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *a. "Spray pad"* means a constructed area that is described by all of the following:

(1) The area has no standing water.

(2) The area is equipped with water sprays or other water play features where the water is intended to contact the users.

(3) The area uses or has a feature that uses water that is recirculated independently or from an associated swimming pool.

b. "Spray pad" includes an interactive fountain, and a splash pad, spray park, wet deck, and water recreation attraction.

c. "Spray pad" does not include an area that uses only potable water that is not circulated and is drained directly to waste.

Sec. 2. Section 135I.2, Code 2023, is amended to read as follows:

135I.2 Applicability.

This chapter applies to all spray pads, 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 or to a spray pad, swimming pool, or spa operated by a homeowners' association or housing cooperative representing seventy-two or fewer dwelling units if the ~~association's~~ bylaws of the association or cooperative, which also apply to a rental agreement relative to any of the dwelling units, include an exemption from the requirements of this chapter, provide for inspection of the spray pad, swimming pool, or spa by an entity other than the department or local board of health, and assume any liability associated with operation of the spray pad, swimming pool, or spa. This chapter does not apply to a

spray pad, swimming pool, or spa used exclusively for therapy under the direct supervision of qualified medical personnel. To avoid duplication and promote coordination of inspection activities, the department may enter into written agreements with a local board of health to provide for inspection and enforcement in accordance with this chapter.

Sec. 3. Section 135I.3, unnumbered paragraph 1, Code 2023, is amended to read as follows:

A person shall not operate a spray pad, swimming pool or spa without first having registered with the department. Registration shall be renewed annually.

Sec. 4. Section 135I.4, unnumbered paragraph 1, Code 2023, is amended to read as follows:

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:

Sec. 5. Section 135I.4, subsections 1, 2, and 4, Code 2023, are amended to read as follows:

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.

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

New language

the inspection has actually been performed.

Sec. 6. Section 135I.6, unnumbered paragraph 1, Code 2023, is amended to read as follows:

If the department or a local board 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 may withhold or revoke the registration of a spray pad, swimming pool, or spa, or the department or the local board 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 of health.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.