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**HOUSE BILL 2959**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Chandler and Taylor

AN ACT Relating to surf pools; amending RCW 70.90.110, 70.90.120, and 70.90.160; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that new technologies for surf pools are available that are not reflected in rules for water recreation facilities. The legislature finds that surf pools generate waves solely for surfing on a surfboard or surfing device used in the ocean and intended for sport as opposed to general play found in wave pools. With more than thirty-five million surfers worldwide, and growing at a rate of about a million new surfers per year, the legislature finds the need to update water recreation facilities to include surf pools in order to promote the public health, safety, and welfare. The legislature further finds it necessary to update the rules for surf pools to adopt the most recent version of the United States centers for disease control and prevention model aquatic health code and adopt a definition for surf pools.

**Sec.**  RCW 70.90.110 and 1991 c 3 s 352 are each amended to read as follows:

Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) "Water recreation facility" means any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation, or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

(a) Conventional swimming pools, wading pools, and spray pools;

(b) Recreational water contact facilities as defined in this chapter;

(c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; ((~~and~~))

(d) Surf pools designed to generate waves dedicated to the activity of surfing on a surfboard or analogous surfing device commonly used in the ocean and intended for sport as opposed to general play intent for wave pools; and

(e) Any area designated for swimming in natural waters with artificial boundaries within the waters.

(2) "Recreational water contact facility" means an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, and that includes but is not limited to, water slides, wave pools, and water lagoons. A wave pool is not the same as a surf pool.

(3) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

(4) "Secretary" means the secretary of health.

(5) "Person" means an individual, firm, partnership, co‑ partnership, corporation, company, association, club, government entity, or organization of any kind.

(6) "Department" means the department of health.

(7) "Board" means the state board of health.

**Sec.**  RCW 70.90.120 and 2017 c 102 s 1 are each amended to read as follows:

(1) The board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, governing safety, sanitation, and water quality for water recreation facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness reporting; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance; and enforcement procedures. However, a water recreation facility intended for the exclusive use of residents of any apartment house complex or of a group of rental housing units of less than fifteen living units, or of a mobile home park, or of a condominium complex or any group or association of less than fifteen homeowners shall not be subject to preconstruction design review, routine inspection, or permit or fee requirements; and water treatment of hydroelectric reservoirs or natural streams, creeks, lakes, or irrigation canals shall not be required.

(2) In adopting rules under subsection (1) of this section regarding the operation or design of a recreational water contact facility, the board shall review and consider the most recent version of the United States centers for disease control and prevention's model aquatic health code.

(3) In adopting rules under subsection (1) of this section regarding the operation or design of water recreation facilities containing a surf pool, the board shall review and consider the most recent version of the United States centers for disease control and prevention model aquatic health code and adopt a definition for surf pools.

**Sec.**  RCW 70.90.160 and 1987 c 222 s 7 are each amended to read as follows:

A permit is required for any modification to or construction of any recreational water contact facility after June 11, 1986, and for any other water recreation facility after July 26, 1987. Water recreation facilities existing on July 26, 1987, which do not comply with the design and construction requirements established by the state board of health under this chapter may continue to operate without modification to or replacement of the existing physical plant, provided the water quality, sanitation, and lifesaving equipment are in compliance with the requirements established under this chapter. However, if any modifications are made to the physical plant of an existing water recreation facility the modifications shall comply with the requirements established under this chapter. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied within thirty days of submittal. For water recreation facilities containing a surf pool, the department of health must establish design and construction requirements in accordance with the most recent version of the United States centers for disease control and prevention model aquatic health code.

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