
Local Government Committee

HB 1684

Brief Description: Concerning water recreation facilities.

Sponsors: Representatives Thai and Pollet; by request of Department of Health.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Modifies state laws governing water recreation facilities.
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Hearing Date: 2/5/25

Staff: Michelle Rusk (786-7153).

Background:

Water Recreation Facilities.

State law regulates water recreation facilities, which are 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. Water recreation facilities include:

- conventional swimming, wading, and spray pools;
- spa pools and tubs using hot or cold water, mineral water, or hydrojets;
- any area designated for swimming in natural waters with artificial boundaries within the waters; and
- recreational water contact facilities, which are artificial water associated facilities with design and operational features that provide patrons recreational activity that is different from activities associated with conventional swimming pools and that purposefully involve immersing the body partially or totally in water, including but not limited to water slides, wave pools, and water lagoons.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Water recreation facilities laws apply to both public and private facilities, irrespective of whether the use is commercial or private, except for: (1) any water recreation facility for the sole use of residents and invited guests at a single-family dwelling; (2) therapeutic water facilities exclusively for physical therapy; (3) steam baths and saunas; and (4) inflatable equipment at temporary events, such as inflatable water slides, that do not allow water to pool at more than 6 inches or recirculate water.

Permitting and Fees.

Operating permits issued by the Department of Health (Department) or local health officers are required for any water recreation facility operated in Washington, which must be renewed annually and conspicuously displayed at the facility. Local health officers and the Department may each collect fees to cover their costs incurred for administering state water recreation facilities laws, but facilities are not required to pay both.

Permits are required for any modification to, or construction of, any recreational water contact facility after June 11, 1986, and any water recreation facility after July 26, 1987. Water recreation facilities that existed on July 26, 1987, may operate even if they do not comply with state design and construction requirements, but modifications made after July 26, 1987, must comply with state law.

Plans and specifications for modifying or constructing a water recreation facility must be submitted to either the applicable local authority or the Department. The plans must be reviewed and may be approved, rejected, or made subject to modifications or conditions, and a permit must be issued or denied within 30 days of submittal.

Insurance.

Recreational water contact facilities may not operate unless the owner or operator has at least \$100,000 in liability insurance per occurrence for bodily injury or death of one or more people, and the Washington State Board of Health (Board) may require these facilities to purchase additional insurance.

Operating Instructions.

Sellers of spas, pools, and tubs, which are types of water recreation facilities, must furnish purchasers with a complete set of operating instructions, including details for safe use and proper water treatment, information about the health effects of hot water, and a specific caution and explanation of the health effects of hot water for pregnant women.

Rules and Enforcement.

The Board must adopt rules regarding safety, sanitation, and water quality for water recreation facilities. Adopted rules must include, for example, requirements regarding: design; operation; injury and illness reporting; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance; and enforcement procedures.

However, water recreation facilities intended only for use by a group of 15 or fewer living units

are not subject to preconstruction design review, routine inspection, or permit or fee requirements, including, for example, apartment complexes, mobile home parks, and home owners associations and condominium complexes.

The Secretary of Health must enforce water recreation facilities rules, and both civil and criminal penalties not to exceed \$500 may be imposed for violating these rules.

Summary of Bill:

Water Recreation Facilities.

The definition for water recreation facility is modified. Water recreation facilities now include any artificially constructed structure or modified natural structure containing water, including but not limited to aquatic facilities, in addition to areas designated for swimming in natural waters with artificial boundaries within the waters.

Aquatic Facilities.

The term "recreational water contact facility," a type of water recreation facility, is removed from statute. Instead, an aquatic facility, a different type of water recreation facility, is established as a physical place that contains one or more aquatic venues. Aquatic venues are artificially constructed structures where the public is exposed to water for recreational or therapeutic use, including, for example:

- swimming, wading, and spray pools or pads;
- spa pools and tubs using hot, cold, or mineral water;
- water slides; and
- float tanks and cold plunges.

Residential Aquatic Facilities.

A definition for "residential aquatic facilities" is established, which are aquatic facilities at a single-family dwelling for use by individuals other than the resident and invited guests, through rental of the facility. Residential aquatic facilities are exempt from preconstruction design review, plan submittal, routine inspection, permits, and fee requirements.

The Board may adopt minimum health and safety rules for residential aquatic facilities that focus on drowning, injury, and recreational water illness prevention. These rules are limited to preventing unsupervised use by children, restroom access, emergency equipment, signage, illness and injury reporting, and water quality.

Permitting.

A permit is required to modify or construct a water recreation facility. Water recreation facilities existing on July 26, 1987, may continue to operate without modification if water quality, sanitation, and lifesaving equipment comply with state law and rules. However, any subsequent modifications must comply with state law.

The jurisdiction reviewing a permit application must respond to an applicant for plan review

within 30 days of receipt, and ensure that the application is approved, denied, or pending. The jurisdiction must approve plans before issuing a construction permit, and must issue a construction permit within 30 days of approving plans.

Insurance.

An aquatic facility may not operate unless the owner or operator has not less than \$100,000 in liability insurance per occurrence for bodily injury or death, or an equivalent of such liability coverage.

Operational Instructions.

Every seller of aquatic venues, instead of just spas, pools, and tubs, must furnish purchasers with operating instructions on the safe use of the aquatic venue, which, in addition to all existing requirements for operating instructions, must include information about the health risks of cold water.

Appropriation: None.

Fiscal Note: Requested on February 3, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.