

HOUSE BILL REPORT

HB 1684

As Reported by House Committee On:
Local Government

Title: An act relating to water recreation facilities.

Brief Description: Concerning water recreation facilities.

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

Brief History:

Committee Activity:

Local Government: 2/5/25, 2/7/25, 2/19/25 [DPS].

Brief Summary of Substitute Bill

- Makes changes to state laws governing water recreation facilities, including modifying defined terms and revising permitting procedures.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Duerr, Chair; Parshley, Vice Chair; Hunt and Zahn.

Minority Report: Do not pass. Signed by 3 members: Representatives Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey.

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

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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.

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 Substitute 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.

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.

Substitute Bill Compared to Original Bill:

The substitute bill removes the term "residential aquatic facility" from the bill and corresponding regulations of residential aquatic facilities.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This policy is agency request from the Department of Health (Department), but it's also a personal policy because people in our districts have unfortunately experienced the tragedy of drowning death. Drowning is a leading cause of death for children under the age of four, and the second leading cause of death in children ages 5 to 14. This bill will help reduce the risk of injury and death by drowning by aligning state standards with the federal Model Aquatic Code from the federal Centers for Disease Control, which reflect best practices relating to illness, injury, and death.

Our regulations need to be updated since regulating this space has changed significantly since the first time these laws were put into place. The updates in the bill reflect that we have more offerings for water recreation facilities, and regulations haven't always reached

some of the types of facilities that are desired to be regulated. The goal is to bring people together, including those concerned about the bill, to have a conversation about how we can protect our public and also enjoy access to residential water facilities. Over the last few years, there has been extensive community workshopping, and while consensus hasn't been reached on every issue we believe this bill is a good compromise and creates less confusion and more certainty.

(Opposed) There is generally no objection to items in the bill that are aligning our state laws with the Model Aquatic Code. The overarching concern is the expanded authority for regulating single family homes based on a broad definition of "invited guest" and new regulations anticipated by rule for any property with a pool or a hot tub. The bill does attempt to limit the scope of these rules, but the categories are still very broad and could be used to impose a variety of new requirements.

Many stakeholders agree reasonable measures must be put in place to ensure safety, but residential pools should not be regulated like commercial pools. They are not like hotels or other recreational facilities. Both small scale and large scale rentals would like a thoughtful pause to try and work through more stakeholdering before rulemaking is put into effect.

There is also concern with the modifications to what triggers a permit under the bill, which would require pools to be brought up to current standards. This is very expensive for small businesses. Additionally, there is a lack of parity with how hotels and short term rentals are treated. Hotels have to operate pools under the Department's rules and regulations, and other similar types of businesses are not being regulated the same way.

(Other) The Chelan County Public Utilities District (PUD) is not opposed to the stated objectives of the bill. The Chelan County PUD operates a number of hydroelectric facilities on the Columbia River and is regulated by the Federal Energy Regulatory Commission (FERC). One of the requirements under FERC is that recreational opportunities are provided. We want to make sure there is no conflict between the Department's rules and FERC licensing requirements.

Persons Testifying: (In support) Joe Laxson, Washington State Department of Health; and Michelle Davis, Washington State Board of Health.

(Opposed) Cameron Killberg, Swimply; Nick Streuli, WA Realtors; Samantha Louderback, Washington Hospitality Association; Brooke Davies, TechNet; and Morgan Irwin, AWB.

(Other) Dave Arbaugh, Chelan PUD.

Persons Signed In To Testify But Not Testifying: None.