

State of Arkansas

76th General Assembly

Regular Session, 1987

AS ENGROSSED 3/9/87

HOUSE BILL 1630

By: Representatives Teague and Collier

"AN ACT TO AUTHORIZE THE ARKANSAS DEPARTMENT OF HEALTH TO
REGULATE PUBLIC SWIMMING POOLS; TO ESTABLISH AN ANNUAL PERMIT
FEE TO DEFRAY COSTS OF THE PROGRAM; AND FOR OTHER PURPOSES."

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

SECTION 1. The following terms shall have the following meanings as used herein:

(a) "Department" means the Arkansas Department of Health or, where the context requires, employees of the department.

(b) "Critical items" means those aspects of operation or conditions of facilities or equipment which if in violation constitute the greatest hazards to health and safety, including imminent health hazard. These include:

- (1) Restriction of employees with infection;
- (2) Approved water supply, hot and cold running water under pressure;
- (3) Sewage, liquid waste disposal;
- (4) No cross connection, backsiphonage;
- (5) Safety;
- (6) Excessive turbidity;
- (7) Total absence of approved sanitizing residuals;
- (8) Failure or lack of filtration, sanitizing and cleaning equipment and chemicals; and
- (9) Absence or lack of required supervisory personnel.

(c) "Imminent health hazard" means any condition, deficiency, or practice which if not corrected, is very likely to result in illness, injury or loss of life to any person.

(d) "Person" means any individual, partnership, firm, corporation, agency, municipality, state or political subdivision, or the federal govern-

ment and its agencies and departments;

(e) "Public swimming pools" means a structure of man made materials, located either indoors or outdoors, used for bathing or swimming, together with buildings, appurtenances, and equipment used in connection therewith. Included are spa-type, wading, special purpose pools or water recreation attractions including but not limited to those operated at camps, child care facilities, cities, clubs, subdivisions, apartment buildings, counties, institutions, schools, motels, hotels, and mobile home parks to which admission may be gained with or without payment of a fee. This definition shall not apply to private pools at single family residences.

SECTION 2. The Arkansas Department of Health is hereby authorized:

- (a) To carry out or cause to be carried out all provisions of this Act;
- (b) To collect all fees provided for in this Act;
- (c) To prescribe rules and regulations governing the alteration, construction, sanitation, safety and operation of public swimming pools as may be necessary to protect the health and safety of the public and to require every public swimming pool to comply with these rules and regulations.
- (d) To inspect or cause to be inspected at least once per month and as often as necessary every public swimming pool in operation in the state to determine compliance with this Act and rules and regulations;
- (e) To issue or cause to be issued, suspend and revoke permits to operate public swimming pools as provided in this Act;
- (f) To notify the owner, proprietor, or agent in charge of any public swimming pool of such changes or alterations as may be necessary to effect complete compliance with the provisions of this Act and rules and regulations governing the construction, alteration and operation of the facilities, and to close the facilities for failure to comply within specified times as provided in this Act and rules and regulations.
- (g) To train, test and certify qualified operators of public swimming pools.

SECTION 3. No person shall operate a public swimming pool who does not hold a valid permit issued to him by the department. Every person, now engaged in the business of operating a public swimming pool and every person, who shall thereafter engage in such a business, shall procure a permit from

the department for each public swimming pool so operated or proposed to be operated. Each permit for public swimming pools shall expire on December 31 next following its issuance. No permit shall be transferred from one (1) location or individual to another. Permits shall be posted in a conspicuous manner.

SECTION 4. (a) Any person planning to operate a public swimming pool shall make written application for a permit on forms provided by the department. Such applications shall be completed and returned to the department with the proper permit fee. Prior to approval of the application for a permit, the department shall inspect the proposed facility to determine compliance with requirements of this Act and rules and regulations. The department shall issue a permit to the applicant if the inspection reveals that the facility is in compliance with the requirements of this Act and rules and regulations.

(b) Applications for renewal of permits for existing public swimming pools will be mailed to the operator prior to January 1 of each year. When completed applications and the proper permit fees are returned, the department will issue new permits to applicants.

SECTION 5. The department shall have the authority to suspend or revoke any permit to operate a public swimming pool issued pursuant to this Act if the department has reasonable cause to believe that the permittee is not in compliance with the provisions of this Act or the permittee has repeatedly violated requirements of this Act.

SECTION 6. (a) The annual permit fee to operate a public swimming pool shall be twenty-five dollars (\$25.00) (except as outlined in Section 6 (b)) due and payable January 1 and each January 1 thereafter. The permit fee shall be due and payable prior to beginning operation of any new public swimming pool and on each January 1 thereafter.

(b) If a public swimming pool and a food service establishment are owned and operated at the same location by a common individual, corporation, firm, or other entity. The annual swimming pool permit fee shall be ten dollars (\$10.00) due and payable January 1 and each January 1 thereafter.

(c) The permit fee shall be paid to the department before a permit is issued, and the permit shall be kept and displayed in a conspicuous manner, properly framed, at the pool for which it was issued.

SECTION 7. Any person operating a public swimming pool who fails or refuses to comply with any of the provisions of this Act or rules and regulations or otherwise operates a swimming pool in violation of this Act or rules and regulations shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500) for each offense and each day after sufficient notice has been given shall constitute a separate offense.

SECTION 8. (a) All fees and fines levied and collected under the provisions of this Act are hereby declared to be "special revenues" and shall be deposited in the State Treasury to be credited to the Public Health Fund.

(b) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the Disbursing Officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to swimming pools that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. Emergency. It is hereby found and determined by the General Assembly that due to current revenue shortfalls the services provided to the citizens of this State by the Arkansas Department of Health are threatened; that these services protect the public health, welfare and safety; that the establishment of a fee system is necessary to keep needed services operational. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ Bob Teague et al

