

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 2136

4
5 By: Representative Hyde

For An Act To Be Entitled

8 AN ACT TO REQUIRE ALL PUBLIC POOLS TO BE MAINTAINED
9 UNDER THE SUPERVISION OR DIRECTION OF A CERTIFIED
10 POOL OPERATOR; AND FOR OTHER PURPOSES.

Subtitle

14 AN ACT TO REQUIRE ALL PUBLIC POOLS TO BE
15 MAINTAINED UNDER THE SUPERVISION OR
16 DIRECTION OF A CERTIFIED POOL OPERATOR.

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code Title 20, Chapter 30 is amended to add an
22 additional subchapter to read as follows:

23 20-30-201. Definitions.

24 As used in this subchapter:

25 (1) "Certified pool operator" means a person certified by the
26 Department of Health for pool sanitation and safety, proper maintenance of
27 pools, spas and other related facilities, equipment maintenance, and record
28 keeping;

29 (2) "Direction " means that the certified pool operator:

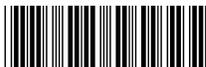
30 (A) Has responsibility for the maintenance of the public
31 pool; and

32 (B) Is readily available for consultation but is not
33 necessarily on the premises;

34 (3) "Pool service technician" means an individual who:

35 (A) Holds a certified pool operator certification; and

36 (B) Contracts to service public pools for maintenance;



1 (4)(A) "Public swimming pool" means a structure of man-made
2 materials, located either indoors or outdoors, used for bathing or swimming,
3 together with buildings, appurtenances, and equipment used in connection with
4 the structure, including spa-type, wading, special purpose pools or water
5 recreations attractions and including those operated at camps, child care
6 facilities, cities, clubs, subdivisions, apartment buildings, counties,
7 institutions, schools, motels, hotels, and mobile home parks to which
8 admission may be gained with or without payment of a fee.

9 (B) "Public swimming pool" does not include private pools
10 at single family residences; and

11 (5) "Supervision" means the active oversight of maintenance
12 services by a certified pool operator while the certified pool operator is on
13 the premises.

14
15 20-30-202. Certification for public pool operators and pool service
16 technicians.

17 (a) A person may not operate a public swimming pool unless the person
18 is certified by the Department of Health under this subchapter.

19 (b) The department may certify a person as a certified pool operator
20 if the person has met the requirements of one (1) or more of the following
21 courses:

22 (1) National Swimming Pool Foundation Certified Pool Operator
23 Course;

24 (2) National Spa and Pool Institute Tech I, Tech II, or
25 Certified Level Training;

26 (3) National Recreation and Park Association Aquatic Facility
27 Operator Certification; and

28 (4) Other courses approved by the department as equivalent to
29 the courses listed in subdivision (b)(1) – (3) of this section.

30 (c) Certification shall be renewed by a training agency approved by
31 the department:

32 (1) As specified in the training agency's requirements; or

33 (2) At least one (1) time every five (5) years.

34
35 2-30-203. Public swimming pool maintenance.

36 (a) All public swimming pools shall be maintained under the

1 supervision or direction of a certified pool operator who is either on staff
 2 or on call.

3 (b)(1) A pool service technician may contract to maintain a public
 4 pool under the supervision or direction of a certified pool operator.

5 (2) If a public swimming pool is maintained by a pool service
 6 technician, the name of the technician shall be on file with the Department
 7 of Health.

8
 9 20-30-205. Implementation of requirements.

10 Enforcement of the certification requirements shall begin on January 1
 11 of the year after this subchapter becomes effective.

12
 13 20-30-206. Enforcement.

14 The Department of Health shall promulgate rules necessary to implement
 15 and enforce this subchapter.

16
 17 20-30-207. Penalties.

18 (a) A person, firm, or corporation that violates any provision of
 19 this subchapter shall be guilty of a Class B misdemeanor.

20 (b) Each day that a violation of this subchapter continues shall be
 21 deemed a separate offense.

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