

## CHAPTER 489

## S.B. No. 394

An Act relating to the minimum standards of sanitation and safety for public swimming pools, including spas, and to certain definitions; amending Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 4477-1, Vernon's Texas Civil Statutes), by amending Section 1 and Subsection (a) of Section 15.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 1, Chapter 178, Acts of the 49th Legislature, Regular Session, 1945, as amended (Article 4477-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. **DEFINITIONS.** (a) The following terms wherever found in this Act, unless otherwise defined, shall be understood to mean:

"(b) **APPROVED PRIVY:** Any unit for the disposal of human excreta constructed and maintained in conformity with the specifications of the Texas [State] Department of Health.

"(c) **COMMON CARRIER:** Any licensed firm, corporation or establishment which solicits and operates public freight or passenger transportation service. The term 'Common Carrier' shall also include any vehicle employed in such transportation service.

"(d) **COMMON DRINKING CUP:** Any receptacle used for serving water or other beverage to two or more persons in any public place or any establishment catering to the public; provided this term shall not apply to receptacles properly washed and sterilized after such service.

"(e) **DRINKING WATER:** All water distributed by any agency or individual, public or private, for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleansing of any utensil or article used in the course of preparation or consumption of food or beverages for human beings. The term 'Drinking Water' shall also include all water supplied for human consumption or used by any institution catering to the public.

"(f) **HUMAN EXCRETA:** The urinary and bowel discharges of any human being.

"(g) **NUISANCE:** Any object, place or condition which constitutes a possible and probable medium of transmission of disease to or between human beings or any other object, place or condition which may be specifically declared by this Act to be a nuisance.

"(h) **PUBLIC HEALTH ENGINEER:** Any engineer who has been duly licensed to practice as a registered professional engineer and who is further versed in the sciences of water purification, sewage, treatment, and in the public health principles [principals] of conditioning the environment.

"(i) **SANITARIAN:** Any trained worker who has a practical knowledge of sanitation as it pertains to disease control.

"(j) **SANITARY:** Any condition of good order and cleanliness which precludes the probability of disease transmission.

"(k) **SEPTIC TANK:** Any covered water-tight tank, designed for the treatment of sewage.

"(l) **SEWERAGE PLANT OPERATOR:** Any person, trained in the collection, treatment, or disposal of sewage who has a practical working knowledge of the mechanics, maintenance and operating principles of the collection, treatment, and disposal of sewage.

"(m) **SWIMMING POOL:** Any artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports, or therapeutic purposes.

“(n) TOILET: The hopper device for the deposit and discharge of human excreta into a water carriage system.

“(o) TOURIST COURT: Any camping place or group of two or more mobile or permanent housing units operated as rental property for the use of transient trade or any or all trailer units housing human beings.

“(p) WATER PLANT OPERATOR: Any person trained in the purification or distribution of a public water supply who has a practical working knowledge of the chemistry and bacteriology essential to the practical mechanics of water purification and who is capable of conducting and maintaining the purification processes in an efficient manner.

“(q) WATER SUPPLY: Any source or reservoir of water distributed to and used for human consumption.”

**SECTION 2.** Subsection (a), Section 15, Chapter 178, Acts of the 49th Legislature, Regular Session, 1945 (Article 4477-1, Vernon's Texas Civil Statutes), is amended to read as follows:

“(a) All owners, managers, operators, and other attendants in charge of any public swimming pool shall maintain all such pools in a sanitary condition. The bacterial content of the water in any public swimming pool shall not be allowed to exceed the safe limits as prescribed by established standards of the *Texas [State] Department of Health. A minimum free residual chlorine of 1.0 part per million units of water in every public swimming pool other than a spa and a minimum free residual chlorine of 2.0 parts per million units of water in every public spa [Residual chlorine from 0.2 to 0.5 parts per million units of water]* or any other method of disinfectant approved by the *Texas [State] Department of Health* shall be maintained in every public swimming pool throughout the period of their use.”

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 6, 1985, by a viva-voce vote; passed the House on May 24, 1985, by a non-record vote.

Approved: June 12, 1985

Effective: August 26, 1985