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HOUSE BILL NO. 669

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 32.1-248.1 and 35.1-9 of the Code of Virginia, relating to public pools; regulations.

Patron—Hope

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-248.1 and 35.1-9 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-248.1. Public swimming pools and water recreational facilities.

A. The Board of Health shall promulgate regulations to require the daily posting of water quality test results at governing swimming pools and other water recreational facilities operated for public use or, including swimming pools and other water recreational facilities operated in conjunction with a tourist facility or health spa. Such regulations shall require, among other things, include requirements for (i) water treatment and disinfecting, (ii) the daily posting of water quality data regarding the current pH level, disinfectant type and concentration, and water temperature, and the recommended safe levels of each, and, (iii) safety equipment and features, (iv) maintenance and safety of equipment and premises, (v) operational requirements, (vi) facility staffing, (vii) incident response, and (viii) such other provisions as may be necessary to protect the public health and safety. Such regulations shall not apply to private residential water recreational facilities, as defined by the Board.

B. Regulations adopted pursuant to this section related to (i) the design and construction of pool structures and equipment shall be consistent with the Uniform Statewide Building Code and (ii) the maintenance of pool structures and equipment shall be consistent with the Maintenance Code of the Uniform Statewide Building Code.

C. Nothing in this section or regulations of the Board shall prohibit any locality from adopting any ordinance regarding the operation of swimming pools and other water recreational facilities operated for public use that are equivalent to or more stringent than regulations adopted pursuant to this section.

§ 35.1-9. Local ordinance superseded; exceptions.

This title and the regulations of the Board shall supersede all local ordinances regulating hotels, restaurants, summer camps, and campgrounds other than those adopted pursuant to the provisions of § 35.1-26, except that any locality may adopt ordinances regarding (i) the sale, preparation, and handling of food; (ii) swimming pools, saunas and other similar facilities; (iii) the keeping of guest registers by hotels; and (iv) the display of signs alongside or in plain view of any public roadway to preclude false or misleading advertising thereon to the extent prohibited by § 18.2-217, provided such ordinances are equivalent to or more stringent than the provisions of this title or Title 18.2 in the case of the display of signs alongside or in plain view of any public roadway to preclude false or misleading advertising thereon to the extent prohibited by § 18.2-217, and the regulations of the Board. Nothing in this section shall be construed to limit or affect in any way the powers given to localities under Title 15.2, or under any city charter, or under any other general or special act.

2. That the Board of Health shall convene a stakeholder work group, which shall include representatives of the Department of Housing and Community Development, the Pool and Hot Tub Alliance, the Centers for Disease Control and Prevention Healthy Swimming Program, municipal parks and recreations departments, and injury and illness prevention experts, to provide recommendations related to regulations required to be adopted pursuant to this act. Such work group shall report its findings and recommendations to the Board of Health by November 1, 2023.

INTRODUCED

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