

By: Representative Bondurant (By Request)

To: Public Health and Human  
Services

## HOUSE BILL NO. 581

1 AN ACT TO CREATE THE "MISSISSIPPI PUBLIC SWIMMING POOL ACT OF  
2 2007"; TO DEFINE CERTAIN TERMS; TO AUTHORIZE THE DEPARTMENT OF  
3 HEALTH TO ADOPT AND ENFORCE RULES UNDER THIS ACT; TO PROVIDE THAT  
4 A PERMIT FROM THE DEPARTMENT IS REQUIRED TO OPERATE A PUBLIC  
5 SWIMMING POOL; TO AUTHORIZE THE DEPARTMENT TO CHARGE FEES FOR  
6 THOSE PERMITS; TO PROVIDE FOR CERTAIN EXEMPTIONS FROM THIS ACT; TO  
7 AUTHORIZE THE DEPARTMENT TO IMPOSE ADMINISTRATIVE FINES FOR  
8 VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** This act shall be known and may be cited as the  
11 "Mississippi Public Swimming Pool Act of 2007."

12 **SECTION 2.** As used in this act, the following terms shall be  
13 defined as follows:

14 (a) "Department" means the State Department of Health.

15 (b) "Public swimming pool" means a watertight structure  
16 of concrete, masonry or other approved materials that is located  
17 either indoors or outdoors, that is operated with or without  
18 charge for the use of the general public for swimming by humans,  
19 and that is filled with a filtered and disinfected water supply,  
20 together with buildings, appurtenances, and equipment used in  
21 connection with the structure. The term "public swimming pool"  
22 means a conventional pool, spa-type pool, wading pool, special  
23 purpose pool or water recreation attraction, to which admission  
24 may be gained with or without payment of a fee, and includes, but  
25 is not limited to, pools operated by or serving camps, churches,  
26 municipalities, counties, day care centers, group home facilities  
27 for eight (8) or more clients, health spas, institutions, parks,  
28 state agencies, schools, subdivisions, or the cooperative  
29 living-type projects of five (5) or more living units such as

30 apartments, boardinghouses, hotels, mobile home parks, motels,  
31 recreational vehicle parks and townhouses.

32 (c) "Private pool" means a facility used only by an  
33 individual, family or living unit members and their guests that  
34 does not serve any type of cooperative housing or joint tenancy of  
35 five or more living units.

36 **SECTION 3.** (1) The State Department of Health may adopt and  
37 enforce rules, which may include definitions of terms, to protect  
38 the health, safety or welfare of persons using public swimming  
39 pools. The department shall review and revise those rules as  
40 necessary, but not less than biennially. Sanitation and safety  
41 standards shall include, but not be limited to, matters relating  
42 to structure; appurtenances; operation; source of water supply;  
43 bacteriological, chemical and physical quality of water in the  
44 pool; method of water purification, treatment and disinfection;  
45 lifesaving apparatus; measures to ensure safety of bathers; and  
46 measures to ensure the personal cleanliness of bathers.

47 **SECTION 4.** (1) It is unlawful for any person or public body  
48 to operate or continue to operate any public swimming pool without  
49 a valid permit from the department, which shall be obtained in the  
50 following manner:

51 (a) Any person or public body desiring to operate any  
52 public swimming pool shall file an application for a permit with  
53 the department, on application forms provided by the department,  
54 and shall accompany the application with:

55 (i) Descriptions of the structure, its  
56 appurtenances, and its operation;

57 (ii) Description of the source or sources of water  
58 supply, and the amount and quality of water available and intended  
59 to be used;

60 (iii) Method and manner of water purification,  
61 treatment, disinfection and heating;

62 (iv) Safety equipment and standards to be used;

63 (v) Measures to ensure personal cleanliness of  
64 swimmers and bathers; and

65 (vi) Any other pertinent information deemed  
66 necessary by the department to fulfill the requirements of this  
67 act.

68 (b) If the department determines that the public  
69 swimming pool is or may be reasonably expected to be operated in  
70 compliance with this act and the rules adopted under this act, the  
71 department shall grant the application for permit.

72 (c) If the department determines that the public  
73 swimming pool does not meet the provisions outlined in this act or  
74 the rules adopted under this act, the department shall deny the  
75 application for a permit. The denial shall be in writing and  
76 shall list the circumstances for the denial. Upon correction of  
77 those circumstances, an applicant previously denied permission to  
78 operate a public swimming pool may reapply for a permit.

79 (2) Operating permits shall not be required for coastal  
80 beaches.

81 (3) Operating permits shall not be transferable from one (1)  
82 name or owner to another. When the ownership or name of an  
83 existing public swimming pool is changed and the establishment is  
84 operating at the time of the change with a valid permit from the  
85 department, the new owner of the establishment shall apply to the  
86 department, upon forms provided by the department, for a  
87 reissuance of the existing permit.

88 (4) Each such operating permit shall be renewed annually and  
89 the permit must be posted in a conspicuous place.

90 (5) An owner or operator of a public swimming pool,  
91 including, but not limited to, a spa, wading or special purpose  
92 pool, to which admittance is obtained by membership fee shall post  
93 in a prominent location within the facility the most recent pool  
94 inspection report issued by the department pertaining to the

95 health and safety conditions of the facility. The report shall be  
96 legible and readily accessible to members or potential members.

97 **SECTION 5.** (1) The department may establish a schedule of  
98 fees that the department shall charge for the review of  
99 applications for permits to operate public swimming pools and for  
100 the review of variance applications for public swimming pools.  
101 The department shall assess the minimum fees provided in this  
102 subsection until a fee schedule is promulgated by rule of the  
103 department. Fees collected by the department in accordance with  
104 this act shall be deposited for the payment of costs incurred in  
105 the administration of this section. The department may not charge  
106 any fees for services provided under this act other than those  
107 fees authorized in this section; however, the department shall  
108 prorate the initial fee for a permit on a half-year basis.

109 (2) The fee schedule shall be not less than One Hundred  
110 Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00)  
111 for an initial operating permit and not less than One Hundred  
112 Fifty Dollars (\$150.00) and not more than Three Hundred Fifty  
113 Dollars (\$350.00) for review of a variance application.

114 **SECTION 6.** (1) Private pools and water therapy facilities  
115 connected with facilities connected with hospitals, medical  
116 doctors' offices and licensed physical therapy establishments  
117 shall be exempt from this act.

118 (2) A private pool used for instructional purposes in  
119 swimming shall not be regulated as a public swimming pool.

120 (3) The department may grant variances from any rule adopted  
121 under this act in accordance with procedures adopted by department  
122 rule.

123 **SECTION 7.** For the purpose of this section, department  
124 personnel at any reasonable time may enter upon any and all parts  
125 of the premises of public swimming pools to make an examination  
126 and investigation to determine the sanitary and safety conditions  
127 of those pools.

128           **SECTION 8.** (1) The department may deny an application for a  
129 permit, suspend or revoke a permit issued to any person or public  
130 body, or impose an administrative fine upon the failure of the  
131 person or public body to comply with the provisions of this act or  
132 the rules adopted under this act.

133           (2) The department may impose an administrative fine, which  
134 shall not exceed Three Hundred Fifty Dollars (\$350.00) for each  
135 violation, for the violation of this act or the rules adopted  
136 under this act. The department shall give notice of intent to  
137 impose that fine to the alleged violator. Each day that a  
138 violation continues may constitute a separate violation.

139           (3) In determining the amount of the fine to be imposed, if  
140 any, for a violation, the following factors shall be considered:

141                 (a) The gravity of the violation and the extent to  
142 which the provisions of the applicable statute or rule were  
143 violated;

144                 (b) Actions taken by the operator to correct  
145 violations; and

146                 (c) Any previous violations.

147           (4) All amounts collected under this section shall be  
148 deposited and used for payment of costs of administration of this  
149 section.

150           (5) Under conditions specified by rule, the department may  
151 close a public swimming pool that is not in compliance with this  
152 act or the rules adopted under this act.

153           **SECTION 9.** This act shall take effect and be in force from  
154 and after July 1, 2007.