

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1074

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H1074-ATA-68 [v.4]

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Amends Title [YES]
H1074-PCS40680-TA-24

Date _____, 2016

Representative Brawley

1 moves to amend page 1, line 4,
2 by deleting the "." at the end of the line and inserting the following language to read:

3
4 "AND TO REGULATE WATER RECREATION ATTRACTIONS TO PROTECT THE
5 HEALTH AND SAFETY OF FACILITY PATRONS.";

6
7
8 And on page 8, lines 4 and 5, by inserting the following between those lines:

9
10 "**PART IV. OVERSIGHT AND REGULATION OF WATER RECREATION**
11 **ATTRACTIONS**

12 **SECTION 7.(a)** Part 10 of Article 8 of Chapter 130A of the General Statutes reads as
13 rewritten:

14 "Part 10. Public Swimming ~~Pools.~~Pools and Water Recreational Attractions.

15 "**§ 130A-280. Scope.**

16 This Article provides for the regulation of public swimming pools and water recreation
17 attractions in the State as they may affect the public health and safety. As used in this Article, the
18 term "public swimming pool" means any structure, chamber, or tank containing an artificial body
19 of water used by the public for swimming, diving, wading, recreation, or therapy, together with
20 buildings, appurtenances, and equipment used in connection with the body of water, regardless of
21 whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment,
22 boarding house, athletic club, or other membership facility pools and spas. This Article does not
23 apply to a private pool serving a single family dwelling and used only by the residents of the
24 dwelling and their guests. This Article also does not apply to therapeutic pools used in physical
25 therapy programs operated by medical facilities licensed by the Department or operated by a
26 licensed physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each
27 individual use. As used in this Article, the term "water recreation attraction" means a public
28 bathing or swimming facility with design and operational features that provide patrons recreational
29 activity that is different from that associated with a conventional swimming pool. Water
30 recreation attractions include, but are not limited to, water slides, wave pools, water amusement
31 lagoons, and recirculating artificial whitewater rivers where contact between the patron and the
32 water either occurs or is intended to occur.



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1 **"§ 130A-281. Operation permit required.**

2 No public swimming pool or water recreation attraction may be opened for use unless the
3 owner or operator has obtained an operation permit issued by the Department pursuant to rules
4 adopted under G.S. 130A-282.

5 **"§ 130A-282. Commission to adopt rules; exception.**

6 (a) Rules Required. For protection of the public health and safety, the Commission shall
7 adopt and the Department shall enforce rules concerning the construction and operation of public
8 swimming ~~pools~~ pools and water recreation attractions. The Commission shall classify public
9 swimming pools and water recreation attractions on the basis of size, usage, type, or any other
10 appropriate factor and shall adopt requirements for each classification. The rules shall include
11 requirements for:

- 12 (1) Submission and review of plans prior to construction.
- 13 (2) Application, review, expiration, renewal, and revocation or suspension of an
14 operating permit.
- 15 (3) Inspection.
- 16 (4) Design and construction including materials, depth and other dimensions, and
17 standards for the abatement of suction hazards.
- 18 (5) Operation and safety including water source, water quality and testing, fencing,
19 water treatment, chemical storage, toilet and bath facilities, measures to ensure
20 the personal cleanliness of bathers, safety equipment and other safety measures,
21 and sewage and other wastewater disposal.

22 (b) Exception. Public swimming pools constructed or remodeled prior to May 1, 1993,
23 that do not meet specific design and construction requirements of the rules for public swimming
24 pools adopted by the Commission shall not be required to comply with design and construction
25 requirements other than requirements related to the abatement of suction hazards. Public
26 swimming pools constructed or remodeled prior to May 1, 1993, shall comply with all other rules
27 for public swimming pools adopted by the Commission.

28 (c) No single drain, single suction outlet public swimming pools less than 18 inches deep
29 shall be allowed to operate."

30 **SECTION 7.(b)** The Commission for Public Health shall amend its rules regulating
31 water recreation attractions as provided in 15A NCAC 18A .2543 to:

- 32 (1) Include artificial whitewater river facilities using recirculating water where
33 body contact with the water occurs or is intended to occur.
- 34 (2) Require artificial whitewater river facilities using recirculating water to test for
35 physical, biological, or chemical substances in the water that may adversely
36 affect the health or safety of facility patrons, as may be deemed necessary by
37 the Commission.

38 The Commission shall adopt temporary rules as soon as practicable to implement the provisions of
39 this section."; and

40

41 On page 8, by incrementing the remaining Parts and Sections of the bill accordingly.

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
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