
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0061.4/25 4th draft

ATTY/TYPIST: MW:eab

BRIEF DESCRIPTION: Concerning water recreation facilities.

1 AN ACT Relating to water recreation facilities; and amending RCW
2 70.90.110, 70.90.120, 70.90.140, 70.90.150, 70.90.160, 70.90.230,
3 70.90.240, and 70.90.250.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.90.110 and 1991 c 3 s 352 are each amended to
6 read as follows:

7 Unless the context clearly requires otherwise the definitions in
8 this section apply throughout this chapter.

9 (1) "Aquatic facility" means a physical place that contains one
10 or more aquatic venues and support infrastructure.

11 (2)(a) "Aquatic venue" means an artificially constructed
12 structure where the public is exposed to water intended for
13 recreational or therapeutic use. The term includes, but is not
14 limited to:

15 (i) Swimming pools, wading pools, spray pools, and spray pads;

16 (ii) Spa pools and tubs using hot water, cold water, mineral
17 water, air induction, or hydrojets;

18 (iii) Water slides, wave pools, surf pools, and water lagoons;

19 (iv) Float tanks and cold plunges; and

20 (v) Any other interactive water venue.

1 (b) "Aquatic venue" does not include any artificially constructed
2 structure or modified natural structure containing water that is used
3 for watering livestock, irrigation, water storage, fishing, or
4 habitat for aquatic life and is not used by the public for
5 recreational or therapeutic use.

6 (3) "Board" means the state board of health.

7 (4) "Department" means the department of health.

8 (5) "Invited guest" means an individual who is allowed gratuitous
9 use, without payment of any kind.

10 (6) "Local health jurisdiction" means a public health agency
11 organized under chapter 70.05, 70.08, or 70.46 RCW.

12 (7) "Local health officer" has the same meaning as in RCW
13 70.05.010 and may include the local health officer's designee.

14 (8) "Person" means an individual, firm, partnership,
15 copartnership, corporation, company, association, club, government
16 entity, or organization of any kind.

17 (9) "Residential aquatic facility" means an aquatic facility at a
18 single-family dwelling that allows use of the facility by
19 individuals, beyond the resident and invited guests, through rental
20 of the facility.

21 (10) "Residential community" means a group of housing units where
22 people live; it does not include short-term rentals regulated under
23 chapter 64.37 RCW or transient accommodations as defined in RCW
24 70.62.210 and where transient guests may stay less than 30 days.

25 (11) "Secretary" means the secretary of health or their designee.

26 (12) "Water recreation facility" means any ((artificial basin))
27 artificially constructed structure or ((~~other~~)) modified natural
28 structure containing water used or intended to be used for
29 recreation, bathing, relaxation, therapy, or swimming, where body
30 contact with the water occurs or is intended to occur and includes
31 auxiliary buildings and appurtenances. The term includes, but is not
32 limited to:

33 (a) ((Conventional swimming pools, wading pools, and spray pools;

34 ~~(b) Recreational water contact facilities as defined in this~~
35 ~~chapter;~~

36 ~~(c) Spa pools and tubs using hot water, cold water, mineral~~
37 ~~water, air induction, or hydrojets; and~~

38 ~~(d)) Aquatic facilities as defined in this section; and~~

39 (b) Any area designated for swimming in natural waters with
40 artificial boundaries within the waters.

1 ~~((2) "Recreational water contact facility" means an artificial~~
2 ~~water associated facility with design and operational features that~~
3 ~~provide patron recreational activity which is different from that~~
4 ~~associated with a conventional swimming pool and purposefully~~
5 ~~involves immersion of the body partially or totally in the water, and~~
6 ~~that includes but is not limited to, water slides, wave pools, and~~
7 ~~water lagoons.~~

8 ~~(3) "Local health officer" means the health officer of the city,~~
9 ~~county, or city-county department or district or a representative~~
10 ~~authorized by the local health officer.~~

11 ~~(4) "Secretary" means the secretary of health.~~

12 ~~(5) "Person" means an individual, firm, partnership, co-~~
13 ~~partnership, corporation, company, association, club, government~~
14 ~~entity, or organization of any kind.~~

15 ~~(6) "Department" means the department of health.~~

16 ~~(7) "Board" means the state board of health.)~~

17 **Sec. 2.** RCW 70.90.120 and 2017 c 102 s 1 are each amended to
18 read as follows:

19 (1) The board shall adopt rules under the administrative
20 procedure act, chapter 34.05 RCW, governing safety, sanitation, and
21 water quality for water recreation facilities. The rules shall
22 include but not be limited to requirements for design; operation;
23 injury and illness reporting; biological and chemical contamination
24 standards; water quality monitoring; inspection; permit application
25 and issuance; and enforcement procedures. ~~((However, a water~~
26 ~~recreation facility intended for the exclusive use of residents of~~
27 ~~any apartment house complex or of a group of rental housing units of~~
28 ~~less than fifteen living units, or of a mobile home park, or of a~~
29 ~~condominium complex or any group or association of less than fifteen~~
30 ~~homeowners shall not be subject to preconstruction design review,~~
31 ~~routine inspection, or permit or fee requirements; and water~~
32 ~~treatment of hydroelectric reservoirs or natural streams, creeks,~~
33 ~~lakes, or irrigation canals shall not be required.))~~

34 (2) The board may adopt minimum health and safety rules for
35 residential aquatic facilities that focus on drowning, injury, and
36 recreational water illness prevention. Rules that may be adopted
37 under this section are limited to the following: Preventing
38 unsupervised use by children, restroom access, emergency equipment,
39 signage, illness and injury reporting, and water quality.

1 (3) In adopting rules under (~~subsection (1) of~~) this section
2 (~~regarding the operation or design of a recreational water contact~~
3 ~~facility~~), the board shall review and consider the most recent
4 version of the United States centers for disease control and
5 prevention's model aquatic health code.

6 **Sec. 3.** RCW 70.90.140 and 1986 c 236 s 5 are each amended to
7 read as follows:

8 The secretary shall enforce the rules adopted under this chapter.
9 The secretary may develop joint plans of responsibility with any
10 local health jurisdiction or other state agency empowered to
11 implement and enforce water recreation rules to administer this
12 chapter.

13 **Sec. 4.** RCW 70.90.150 and 1986 c 236 s 6 are each amended to
14 read as follows:

15 (1) Local health officers may establish and collect fees
16 sufficient to cover their costs incurred in carrying out their duties
17 under this chapter and the rules adopted under this chapter.

18 (2) The department may establish and collect fees sufficient to
19 cover its costs incurred in carrying out its duties under this
20 chapter. The department shall deposit the fees (~~shall be deposited~~)
21 in the state general fund.

22 (3) A person shall not be required to submit fees at both the
23 state and local levels for the same services.

24 **Sec. 5.** RCW 70.90.160 and 1987 c 222 s 7 are each amended to
25 read as follows:

26 (1) A permit is required for any modification to or construction
27 of (~~any recreational water contact facility after June 11, 1986, and~~
28 ~~for any other water recreation facility after July 26, 1987. Water~~
29 ~~recreation facilities existing on July 26, 1987, which do not comply~~
30 ~~with the design and construction requirements established by the~~
31 ~~state board of health under this chapter may continue to operate~~
32 ~~without modification to or replacement of the existing physical~~
33 ~~plant, provided the water quality, sanitation, and lifesaving~~
34 ~~equipment are in compliance with the requirements established under~~
35 ~~this chapter. However, if any modifications are made to the physical~~
36 ~~plant of an existing water recreation facility the modifications~~

1 ~~shall comply with the requirements established under this chapter.~~
2 ~~The)) a water recreation facility.~~

3 (2) A person shall submit plans and specifications for the
4 modification or construction ((shall be submitted)) of a water
5 recreation facility to the ((applicable)) local ((authority)) health
6 jurisdiction or the department as applicable, but a person shall not
7 be required to submit plans at both the state and local levels or
8 apply for both a state and local permit.

9 (3) The department or local health jurisdiction shall review
10 plans ((shall be reviewed)) and may ((be approved or rejected or))
11 approve, reject, or impose modifications or conditions ((imposed))
12 consistent with this chapter ((as the public health or safety may
13 require, and a permit shall be issued or denied within thirty days of
14 submittal)). The department or local health jurisdiction shall
15 respond to the applicant for plan review within 30 days after
16 receiving an application. The department or local health jurisdiction
17 shall respond that the application is either approved, denied, or
18 pending.

19 (4) The department or local health jurisdiction shall approve
20 plans before issuing a construction permit and shall issue a
21 construction permit within 30 days of approving the plans.

22 (5) Water recreation facilities existing on July 26, 1987, may
23 continue to operate without modification if water quality,
24 sanitation, and lifesaving equipment comply with the requirements
25 established under this chapter. However, if any modifications are
26 made to an existing water recreation facility, the modifications must
27 comply with the requirements established under this chapter.

28 **Sec. 6.** RCW 70.90.230 and 1986 c 236 s 14 are each amended to
29 read as follows:

30 ~~((1) A recreational water contact)) An aquatic facility~~
31 ~~((shall)) may not ((be operated within the state)) operate unless the~~
32 ~~owner or operator has ((purchased insurance)):~~

33 (1) Insurance in an amount not less than ~~((one hundred thousand~~
34 ~~dollars))~~ \$1,000,000 against liability for bodily injury to or death
35 of one or more persons in any one accident arising out of the use of
36 the ~~((recreational water contact))~~ aquatic facility~~((-~~

37 ~~(2) The board may require a recreational water contact facility~~
38 ~~to purchase insurance in addition to the amount required in~~
39 ~~subsection (1) of this section.))~~; or

1 (2) An equivalent form of liability coverage with the ability to
2 respond to damages for bodily injury or death.

3 **Sec. 7.** RCW 70.90.240 and 1987 c 222 s 4 are each amended to
4 read as follows:

5 Every seller of (~~spas, pools and tubs under RCW 70.90.110(1) (a)~~
6 ~~and (c))~~ aquatic venues shall furnish to the purchaser a complete
7 set of operating instructions (~~(which shall include detailed~~
8 ~~instructions))~~ on the safe use of the (~~(spa, pool, or tub))~~ aquatic
9 venue and (~~(for)~~) the proper treatment of water to reduce health
10 risks to the purchaser. (~~Included in the~~) The instructions (~~(shall~~
11 ~~be)~~) must include information about the health (~~(effects))~~ risks of
12 hot and cold water (~~(and)~~) with a specific caution and explanation of
13 the health (~~(effects of hot water on pregnant women))~~ risks during
14 pregnancy.

15 **Sec. 8.** RCW 70.90.250 and 2017 c 102 s 2 are each amended to
16 read as follows:

17 (1) This chapter applies to all water recreation facilities
18 regardless of whether ownership is public or private and regardless
19 of whether the intended use is commercial or private, except that
20 this chapter shall not apply to:

21 (~~(1))~~) (a) Any water recreation facility for the sole use of
22 residents and invited guests at a single-family dwelling;

23 (~~(2) Therapeutic water facilities operated exclusively for~~
24 ~~physical therapy;~~

25 ~~(3))~~) (b) Steam baths and saunas; and

26 (~~(4))~~) (c) Inflatable equipment operated at a temporary event,
27 including inflatable water slides, that (~~(do)~~):

28 (i) Do not allow water to pool more than six inches (~~(and do)~~);

29 (ii) Do not recirculate water; and

30 (iii) Do not retain water when the equipment is not in use, such
31 as overnight.

32 (2) A water recreation facility intended for the exclusive use of
33 residents of a residential community consisting of less than 15
34 living units is exempt from preconstruction design review, routine
35 inspection, permit, and fee requirements. Residential communities may
36 include apartment complexes, groups of rental housing units, mobile
37 home parks, condominium complexes, or homeowner groups or
38 associations.

1 (3) Residential aquatic facilities are exempt from
2 preconstruction design review, plan submittal, routine inspection,
3 permits, and fee requirements.

--- **END** ---