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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Schmidt

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SUMMARY

- Delineates which regulatory agency has authority, including licensure and inspection authority, over different elements of special use pools (public swimming pools containing flume slides, wave generating equipment, or other special features) as follows:
 - Specifies that the Ohio Department of Agriculture (ODA) has authority over operation, components, structural integrity, and physical safety; and
 - Specifies that the Ohio Department of Health (ODH) has authority over appurtenant facilities, surrounding areas, water quality, and disinfection.
- Requires a licensee of a public swimming pool, public spa, or special use pool to ensure that certain carbon monoxide detectors are installed in specified areas.
- Requires a licensee of a public swimming pool, public spa, or special use pool to renew their license with ODH or a local board of health by April 30 each year instead of May 31 of each year as in current law.
- Authorizes, instead of requires, the Director of Health to annually survey each health district that licenses public swimming pools, public spas, and special use pools to determine whether or not the health district is in substantial compliance with the laws governing those pools and spas.
- Exempts special use pool rules adopted by ODA and ODH from requirements governing the elimination of existing regulatory restrictions.

DETAILED ANALYSIS

Special use pools – ODH and ODA regulatory authority

The bill delineates which regulatory agency has authority, including licensure and inspection authority, over different elements of special use pools. A special use pool is a public

swimming pool containing flume slides, wave generating equipment, or other special features and, as added by the bill, includes any catch pool or tank of water used in connection with a special feature that also is for bathing, swimming, or other purposes.¹

Currently, which agency regulates a special use pool depends on where the pool is located. If it has a water slide or wave generating equipment and is located at an amusement park, it is licensed and inspected solely by the Ohio Department of Agriculture (ODA) under ODA's authority to regulate aquatic amusement rides (for example, the water parks at [Cedar Point](#) and [Kings Island](#)). If not, local boards of health, as delegated by the Ohio Department of Health (ODH), solely regulate and license the pool.²

Under the bill's regulatory scheme, ODA and ODH each license and inspect different aspects of each special use pool. A local board of health (as delegated by ODH) must license and inspect the appurtenant facilities, surrounding areas, water quality, and disinfection of any special use pool. ODA must license and inspect all of the following:

1. Operation;
2. Components;
3. Structural integrity, including the walls and floors of special use pools with wave generating equipment; and
4. Physical safety.

Thus, under the bill, owners of special use pools will need to obtain a license to operate from both ODA and a local board of health. Accordingly, ODA and ODH must adopt rules for the regulation of special use pools to reflect the new delegation of authority under the bill.³

The following table delineates the regulation of pools, including special use pools, under current law and the bill.

Examples of what entity has authority over pools		
Water attraction	Under current law	Under H.B. 627
Municipal or public swimming pool with no water slides or amusement structures (example: Quarry Apartments swimming pool). By definition, this is a public swimming pool, not a special use pool.	ODH/local board of health	ODH/local board of health

¹ R.C. 3749.01 and 993.01.

² R.C. Chapters 993 and 3749.

³ R.C. 993.11; R.C. 3749.02, not in the bill.

Examples of what entity has authority over pools		
Water attraction	Under current law	Under H.B. 627
Municipal pool with a water slide or other amusement structure (example: Dublin, Ohio community pool). By definition this is a special use pool.	ODH/local board of health	ODH/local board of health for water quality and ODA for safety and structural integrity of the water slides
Amusement park water attraction (example: Breakwater Bay wave pool at Cedar Point). By definition this is a special use pool.	ODA	ODH/local board of health for water quality and ODA for safety and structural integrity of the wave generating equipment and other amusement structures
Water park attractions (example: Fort Mackenzie water fort treehouse at Great Wolf Lodge). By definition this is a special use pool.	ODA	ODH/local board of health for water quality and ODA for safety and structural integrity of all amusement structures

Additional pool-related requirements

The bill requires a public swimming pool, public spa, or special use pool licensed by ODH or a local board of health to ensure that carbon monoxide detectors are installed in:

1. All equipment rooms; and
2. All rooms adjacent to spaces containing fuel-burning equipment or vents carrying the products of combustion.

These detectors must have local alarming functions that are listed and labeled in accordance with Underwriters' Laboratories' Gas and Vapor Detectors and Sensors Standards (UL Standard 2075).⁴

⁴ R.C. 3749.03(F).

Additionally, a licensee must renew their license with ODH or the local board by April 30 of each year. Current law requires renewal to take place on May 31 of each year.⁵

Finally, the bill authorizes, rather than requires as in current law, the Director of Health to annually survey each board of health that licenses public swimming pools, public spas, and special use pools to determine whether or not the board is in substantial compliance with the laws governing those pools and spas. If the Director determines that a board is in compliance, the board is placed on an approved list and may license and regulate pools and spas within its jurisdiction.⁶

Regulatory restriction reduction exemption

The bill exempts special use pool rules adopted by the ODA and ODH directors from continuing law requirements concerning reductions in regulatory restrictions. State agencies are required to take actions to reduce regulatory restrictions in accordance with a statutory schedule. Those actions include removing two or more existing regulatory restrictions for each new restriction adopted (often referred to as the “two-for-one rule”). A “regulatory restriction” is any part of an administrative rule that requires or prohibits an action.⁷

HISTORY

Action	Date
Introduced	06-07-23

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⁵ R.C. 3749.04(C).

⁶ R.C. 3749.07.

⁷ R.C. 993.11 and 3749.02; R.C. 122.951 to 121.953, not in the bill.