

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 627

Representative Schmidt

Cosponsors: Representatives Hall, Carruthers

A BILL

To amend sections 993.01, 3749.01, 3749.03, 1
3749.04, and 3749.07 and to enact section 993.11 2
of the Revised Code to designate the regulatory 3
responsibilities regarding special use pools. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 993.01, 3749.01, 3749.03, 5
3749.04, and 3749.07 be amended and section 993.11 of the 6
Revised Code be enacted to read as follows: 7

Sec. 993.01. As used in this chapter: 8

(A) "Amusement ride" means any mechanical, aquatic, or 9
inflatable device, or combination of those devices that carries 10
or conveys passengers on, along, around, over, or through a 11
fixed or restricted course or within a defined area for the 12
purpose of providing amusement, pleasure, or excitement. 13
"Amusement ride" includes carnival rides, bungee jumping 14
facilities, and fair rides, but does not include passenger 15
tramways as defined in section 4169.01 of the Revised Code, 16
manufactured rock climbing walls in climbing facilities 17
regulated under Chapter 4175. of the Revised Code, or amusement 18

rides operated solely at trade shows for a limited period of 19
time. For purposes of this division, "trade show" means a place 20
of exhibition not open to the general public where amusement 21
ride manufacturers display, promote, operate, and sell amusement 22
rides to prospective purchasers. 23

(B) "Temporary amusement ride" means an amusement ride 24
that is relocated at least once per year with or without 25
disassembly. 26

(C) "Permanent amusement ride" means an amusement ride 27
that is erected to remain a lasting part of the premises. 28

(D) "Owner" means any person who owns or leases and 29
controls or manages the operation of an amusement ride, and 30
includes individuals, partnerships, corporations, both profit 31
and nonprofit, and the state and any of its political 32
subdivisions and their departments or agencies. 33

(E) "Operation" means the use or operation, or both, of an 34
amusement ride with riders. 35

(F) "Rider" means any person who sits, stands, or is 36
otherwise conveyed or carried as a passenger on an amusement 37
ride, but does not include employees or agents of the owner of 38
the amusement ride. 39

(G) "Amusement ride operator" means any person causing the 40
amusement ride to go, stop, or perform its function. 41

(H) "Reassembly" means the installation, erection, or 42
reconstruction of the main mechanical, safety, electrical, or 43
electronic components of an amusement ride following 44
transportation or storage and prior to operation. Replacement of 45
mechanical, safety, electrical, or electronic components of an 46
amusement ride for the purpose of repair or maintenance is not 47

reassembly. 48

(I) "Repair" means to restore an amusement ride to a 49
condition equal to or better than original design 50
specifications. 51

(J) "Maintenance" means the preservation and upkeep of an 52
amusement ride for the purpose of maintaining its designed 53
operational capability. 54

(K) "Inspection" means a physical examination of an 55
amusement ride by an inspector for the purpose of approving the 56
application for a permit. "Inspection" includes a reinspection. 57

(L) "Accident" means an occurrence during the operation of 58
an amusement ride that results in death or injury requiring 59
immediate hospital admission. 60

(M) "Serious injury" means an injury that does not require 61
immediate hospital admission but does require medical treatment, 62
other than first aid, by a physician. 63

(N) "First aid" means the one-time treatment or subsequent 64
observation of scratches, cuts not requiring stitches, burns, 65
splinters, and contusions or a diagnostic procedure, including 66
examinations and x-rays, that does not ordinarily require 67
medical treatment even though provided by a physician or other 68
licensed professional personnel. 69

(O) "Advisory council" means the advisory council on 70
amusement ride safety created by section 993.02 of the Revised 71
Code. 72

(P) "Safe operation" means, except as provided in section 73
993.10 of the Revised Code, the practical application of 74
maintenance, inspection, and operational processes, as indicated 75

by the manufacturer, owner, or advisory council, that secures a 76
rider from threat of physical danger, harm, or loss. 77

(Q) "Private facility" means any facility that is 78
accessible only to members of the facility and not accessible to 79
the general public, even upon payment of a fee or charge, and 80
that requires approval for membership by a membership committee 81
representing the current members who have a policy requiring 82
monetary payment to belong to the facility. 83

(R) "Bungee jumping" means a fall or jump from a height by 84
an individual who is attached to an elastic cord that prevents 85
the individual from hitting the ground, water, or other solid, 86
semi-solid, liquid, or elastic surface. 87

(S) "Bungee jumping facility" means a device or structure 88
utilized for bungee jumping. 89

(T) "Kiddie ride" means an amusement ride designed for use 90
by children under thirteen years of age who are unaccompanied by 91
another person. "Kiddie ride" includes a roller coaster that is 92
not more than forty feet in elevation at any point on the ride. 93

(U) "Climbing facility" has the same meaning as in section 94
4175.01 of the Revised Code. 95

(V) "Special use pool" has the same meaning as in section 96
3749.01 of the Revised Code. 97

Sec. 993.11. (A) In adopting rules in accordance with this 98
chapter, the director of agriculture shall not adopt rules 99
governing the appurtenant facilities, surrounding areas, water 100
quality, or disinfection of special use pools. However, the 101
rules shall address all of the following concerning special use 102
pools: 103

<u>(1) Operation;</u>	104
<u>(2) Components;</u>	105
<u>(3) Structural integrity, including the walls and floors</u>	106
<u>of special use pools with wave generating equipment;</u>	107
<u>(4) Physical safety.</u>	108
<u>(B) The regulation of the appurtenant facilities,</u>	109
<u>surrounding areas, water quality, and disinfection of special</u>	110
<u>use pools is the responsibility of the department of health and</u>	111
<u>local boards of health under Chapter 3749. of the Revised Code.</u>	112
Sec. 3749.01. As used in sections 3749.01 to 3749.10 of	113
the Revised Code:	114
(A) "Board of health" means a city board of health or a	115
general health district, or an authority having the duties of a	116
city board of health as authorized by section 3709.05 of the	117
Revised Code.	118
(B) "Health district" means any city or general health	119
district created pursuant to section 3709.01 of the Revised	120
Code.	121
(C) "Person" means the state, any political subdivision,	122
special district, public or private corporation, individual,	123
firm, partnership, association, or any other entity.	124
(D) "Licensor" means a city board of health or a general	125
health district, an authority having the duties of a city board	126
of health as authorized pursuant to section 3709.05 of the	127
Revised Code, or the director of health when acting under	128
section 3749.07 of the Revised Code.	129
(E) "Director" means the director of health or an	130

authorized representative of the director of health. 131

(F) "Private residential swimming pool" means any indoor 132
or outdoor structure, chamber, or tank containing a body of 133
water for swimming, diving, or bathing located at a dwelling 134
housing no more than three families and used exclusively by any 135
of the following: 136

(1) The dwelling's residents; 137

(2) The resident's nonpaying guests; 138

(3) A paying guest of a resident if the guest is 139
participating in a certified swimming class conducted by the 140
resident, provided that both of the following apply: 141

(a) The resident is a certified swimming instructor and is 142
conducting the certified swimming class on a one-on-one basis. 143

(b) Not more than four individuals are in the pool at the 144
same time during the class. 145

(G) "Public swimming pool" means any indoor or outdoor 146
structure, chamber, or tank containing a body of water for 147
swimming, diving, or bathing that is intended to be used 148
collectively for swimming, diving, or bathing and is operated by 149
any person whether as the owner, lessee, operator, licensee, or 150
concessionaire, regardless of whether or not a fee is charged 151
for use, but does not mean any public bathing area or private 152
residential swimming pool. 153

(H) "Public spa" means any public swimming pool that is 154
typically operated as a smaller, higher temperature pool for 155
recreational or nonmedical uses. 156

(I) "Special use pool" means a public swimming pool 157
containing flume slides, wave generating equipment, or other 158

special features that necessitate different design and safety 159
requirements. "Special use pool" ~~does not include any water~~ 160
~~slide or wave generating pool at a public amusement area which~~ 161
~~is licensed and inspected by the department of agriculture~~ 162
~~pursuant to Chapter 993. of the Revised Code~~includes any catch 163
pool or tank of water used in connection with a special feature 164
that also is for bathing, swimming, or other purposes. 165

(J) "Public bathing area" means an impounding reservoir, 166
basin, lake, pond, creek, river, or other similar natural body 167
of water. 168

(K) "Certified swimming class" means an infant swimming 169
resource (ISR) class; an American red cross swimming class, 170
swimming lesson, or learn-to-swim class; and any other swimming 171
class certified by a nationally accredited organization that 172
operates in all fifty states. 173

(L) "Certified swimming instructor" means a certified ISR 174
instructor; a certified American red cross swimming instructor 175
or swim coach; and any other swim instructor certified by a 176
nationally accredited organization that operates in all fifty 177
states. 178

Sec. 3749.03. (A) No person shall construct or install, or 179
renovate or otherwise substantially alter, a public swimming 180
pool, public spa, or special use pool after September 10, 1987, 181
until the plans for the pool or spa have been submitted to and 182
approved by the director of health. Within thirty days of 183
receipt of the plans, the director shall approve or disapprove 184
them. The plans and approval required under this division do not 185
apply to repairs or ordinary maintenance that does not 186
substantially affect the manner of water recirculation or basic 187
design of the public swimming pool, public spa, or special use 188

pool. 189

Any person aggrieved by the director's disapproval of 190
plans under this division may, within thirty days following 191
receipt of the director's notice of disapproval, request a 192
hearing on the matter. The hearing shall be held in accordance 193
with Chapter 119. of the Revised Code and may be appealed in the 194
manner provided in that chapter. 195

(B) Prior to the issuance of a license to operate a newly 196
constructed or altered public swimming pool, public spa, or 197
special use pool, the director or a licensor authorized by the 198
director shall verify that the construction or alterations are 199
consistent with the plans submitted and approved under division 200
(A) of this section. The director or licensor authorized by the 201
director shall have two working days from the time notification 202
is received that a public swimming pool, public spa, or special 203
use pool is ready for an inspection to verify the construction 204
or alterations. 205

(C) (1) Except as provided in division (C) (2) of this 206
section, the fees for the approval of plans are as follows: 207

(a) Five per cent of the total cost of the equipment and 208
installation not to exceed two hundred seventy-five dollars for 209
a public swimming pool, public spa, or special use pool, or a 210
combination thereof, that has less than two thousand square feet 211
of surface area; 212

(b) Five per cent of the total cost of the equipment and 213
installation not to exceed five hundred fifty dollars for a 214
public swimming pool, public spa, special use pool, or a 215
combination thereof, that has two thousand or more square feet 216
of surface area. 217

(2) The director may, by rule adopted in accordance with 218
Chapter 119. of the Revised Code, increase the fees established 219
by this section. 220

(D) All plan approval fees shall be paid into the state 221
treasury to the credit of the general operations fund created by 222
section 3701.83 of the Revised Code. The fees shall be 223
administered by the director and shall be used solely for the 224
administration and enforcement of this chapter and the rules 225
adopted thereunder. 226

(E) Plan approvals issued under this section shall not 227
constitute an exemption from the land use and building 228
requirements of the political subdivision in which the public 229
swimming pool, public spa, or special use pool is or is to be 230
located. 231

(F) Beginning ninety days after the effective date of this 232
amendment, the licensee of a public swimming pool, public spa, 233
or special use pool shall ensure that carbon monoxide detectors 234
with local alarming functions that are listed and labeled in 235
accordance with UL Standard 2075, as amended, are installed in 236
all equipment rooms and all rooms adjacent to spaces containing 237
fuel-burning equipment or vents carrying the products of 238
combustion. 239

Sec. 3749.04. (A) No person shall operate or maintain a 240
public swimming pool, public spa, or special use pool without a 241
license issued by the licensor having jurisdiction. 242

(B) Every person who intends to operate or maintain an 243
existing public swimming pool, public spa, or special use pool 244
shall, during the month of April of each year, apply to the 245
licensor having jurisdiction for a license to operate the pool 246

or spa. Any person proposing to operate or maintain a new or 247
otherwise unlicensed public swimming pool, public spa, or 248
special use pool shall apply to the licensor having jurisdiction 249
at least thirty days prior to the intended start of operation of 250
the pool or spa. Within thirty days of receipt of an application 251
for licensure of a public swimming pool, public spa, or special 252
use pool, the licensor shall process the application and either 253
issue a license or otherwise respond to the applicant regarding 254
the application. 255

(C) Each license issued shall be effective from the date 256
of issuance until the last day of ~~May~~ April of the following 257
year. 258

(D) Each licensor administering and enforcing sections 259
3749.01 to 3749.09 of the Revised Code and the rules adopted 260
thereunder may establish licensing and inspection fees in 261
accordance with section 3709.09 of the Revised Code, which shall 262
not exceed the cost of licensing and inspecting public swimming 263
pools, public spas, and special use pools. 264

(E) Except as provided in division (F) of this section and 265
in division (B) of section 3749.07 of the Revised Code, all 266
license fees collected by a licensor shall be deposited into a 267
swimming pool fund, which is hereby created in each health 268
district. The fees shall be used by the licensor solely for the 269
purpose of administering and enforcing this chapter and the 270
rules adopted under this chapter. 271

(F) An annual license fee established under division (D) 272
of this section shall include any additional amount determined 273
by rule of the director of health, which the board of health 274
shall collect and transmit to the director pursuant to section 275
3709.092 of the Revised Code. The amounts collected under this 276

division shall be administered by the director of health and 277
shall be used solely for the administration and enforcement of 278
this chapter and the rules adopted under this chapter. 279

Sec. 3749.07. (A) The director of health ~~shall~~ may 280
annually survey each health district that licenses public 281
swimming pools, public spas, and ~~special-use~~ special use pools 282
to determine whether or not the health district is in 283
substantial compliance with this chapter and the rules adopted 284
thereunder. If the director determines that a health district is 285
in substantial compliance, ~~he~~ the director shall place the 286
district on an approved health district licensing list. The 287
director shall, as ~~he~~ the director determines necessary, make 288
additional surveys of health districts and shall remove from the 289
approved health district licensing list any health district ~~he~~ 290
the director determines not to be in substantial compliance with 291
this chapter and the rules adopted thereunder. 292

(B) If the director determines that a health district is 293
not eligible to be placed on the approved health district 294
licensing list, ~~he~~ the director shall certify the same to the 295
board of health of the health district and shall perform the 296
duties of a health district in that area until the health 297
district is eligible for placement on the approved list. All 298
fees payable to the health district during the time that the 299
director performs the duties of the health district and all 300
other such fees that have not been expended or otherwise 301
encumbered shall be deposited by the director in the state 302
treasury to the credit of the general operations fund created by 303
section 3701.83 of the Revised Code, to be used by the director 304
in ~~his~~ the director's capacity as a licensor. The director shall 305
keep a record of the fees so deposited and, when the health 306
district is placed on the approved list, shall transfer any 307

remaining balance of the fees to the health district swimming 308
pool fund created under division (E) of section 3749.04 of the 309
Revised Code. 310

Section 2. That existing sections 993.01, 3749.01, 311
3749.03, 3749.04, and 3749.07 of the Revised Code are hereby 312
repealed. 313

Section 3. Section 3749.01 of the Revised Code is 314
presented in this act as a composite of the section as amended 315
by both H.B. 65 and H.B. 665 of the 133rd General Assembly. The 316
General Assembly, applying the principle stated in division (B) 317
of section 1.52 of the Revised Code that amendments are to be 318
harmonized if reasonably capable of simultaneous operation, 319
finds that the composite is the resulting version of the section 320
in effect prior to the effective date of the section as 321
presented in this act. 322