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AN ACT

relating to interactive water features and fountains.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 341, Health and Safety Code, is amended by adding Section 341.0695 to read as follows:

Sec. 341.0695. INTERACTIVE WATER FEATURES AND FOUNTAINS.

(a) In this section, "interactive water feature or fountain" means an installation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons and that is maintained for public recreation.

(b) An owner, manager, operator, or other attendant in charge of an interactive water feature or fountain shall maintain the water feature or fountain in a sanitary condition.

(c) The bacterial content of the water in an interactive water feature or fountain may not exceed the safe limits prescribed by the standards adopted under this chapter.

(d) Except as provided by Subsection (f), a minimum free residual chlorine of 1.0 part for each one million units of water used in an interactive water feature or fountain must be maintained.

(e) Water in an interactive water feature or fountain may not show an acid reaction to a standard pH test.

(f) The department may by rule adopt methods other than chlorination for the purpose of disinfecting interactive water

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1 features and fountains.

2 (g) An interactive water feature or fountain that is  
3 supplied entirely by drinking water that is not recirculated is not  
4 subject to Subsections (d) and (e).

5 (h) A person known to be or suspected of being infected with  
6 a transmissible condition of a communicable disease shall be  
7 excluded from an interactive water feature or fountain.

8 (i) A county, a municipality, or the department may:

9 (1) require that the owner or operator of an  
10 interactive water feature or fountain obtain a permit for operation  
11 of the water feature or fountain;

12 (2) inspect an interactive water feature or fountain  
13 for compliance with this section; and

14 (3) impose and collect a reasonable fee in connection  
15 with a permit or inspection required under this subsection  
16 provided, if the requirement is imposed by a county or  
17 municipality, the following are met:

18 (A) the auditor for the county or municipality  
19 shall review the program every two years to ensure that the fees  
20 imposed do not exceed the cost of the program; and

21 (B) the county or municipality refunds the permit  
22 holders any revenue determined by the auditor to exceed the cost of  
23 the program.

24 (j) A county, a municipality, or the department may by order  
25 close, for the period specified in the order, an interactive water  
26 feature or fountain if the operation of the fountain or water  
27 feature violates this section or a permitting or inspection

1 requirement imposed under Subsection (i).

2 (k) This section does not apply to a recreational water park  
3 that uses freshwater originating from a natural watercourse for  
4 recreational purposes and releases the freshwater back into the  
5 same natural watercourse.

6 SECTION 2. (a) Not later than the 30th day after the  
7 effective date of this Act, the executive commissioner of the  
8 Health and Human Services Commission shall adopt emergency rules in  
9 accordance with Section 2001.034, Government Code, as necessary to  
10 implement Section 341.0695, Health and Safety Code, as added by  
11 this Act.

12 (b) An owner, manager, operator, or other attendant in  
13 charge of an interactive water feature or fountain is not required  
14 to comply with Section 341.0695, Health and Safety Code, as added by  
15 this Act, before the fifth day after the date rules are adopted  
16 under Subsection (a) of this section.

17 SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2009.

David Newkum

President of the Senate

Jim Strawn  
Speaker of the House

I hereby certify that S.B. No. 968 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; May 29, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Datsy Grew  
Secretary of the Senate

I hereby certify that S.B. No. 968 passed the House, with amendments, on May 20, 2009, by the following vote: Yeas 111, Nays 34, two present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 124, Nays 21, one present not voting.

Robert Haney  
Chief Clerk of the House

Approved:

19 JUN '09

Date

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2 PM O'CLOCK

JUN 19 2009

RICK PERRY  
Governor

Colby Hunter III