

As Passed by the House

134th General Assembly

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2021-2022

H. B. No. 178

Representatives Schmidt, Miller, A.

Cosponsors: Representatives Cross, Baldrige, Carruthers, Abrams, Liston, Blackshear, Boggs, Brent, Brown, Crossman, Denson, Hicks-Hudson, Jarrells, Jones, Leland, Lepore-Hagan, Lightbody, Miller, J., O'Brien, Oelslager, Robinson, Russo, Smith, K., Smith, M., Sobecki, Upchurch, Weinstein, West, Young, T.

A BILL

To amend section 3749.03 and to enact section 1
3749.08 of the Revised Code to limit the water 2
pressure of water features at swimming pools and 3
to name this act Makenna's Law. 4

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

Section 1. That section 3749.03 be amended and section 5
3749.08 of the Revised Code be enacted to read as follows: 6

Sec. 3749.03. (A) No person shall construct or install, or 7
renovate or otherwise substantially alter, a public swimming 8
pool, public spa, or special use pool after September 10, 1987, 9
until the plans for the pool or spa have been submitted to and 10
approved by the director of health. Within thirty days of 11
receipt of the plans, the director shall approve or disapprove 12
them. The plans and approval required under this division do not 13
apply to repairs or ordinary maintenance that does not 14
substantially affect the manner of water recirculation or basic 15
design of the public swimming pool, public spa, or special use 16

pool. 17

Any person aggrieved by the director's disapproval of 18
plans under this division may, within thirty days following 19
receipt of the director's notice of disapproval, request a 20
hearing on the matter. The hearing shall be held in accordance 21
with Chapter 119. of the Revised Code and may be appealed in the 22
manner provided in that chapter. 23

(B) Prior to the issuance of a license to operate a newly 24
constructed or altered public swimming pool, public spa, or 25
special use pool, the director or a licensor authorized by the 26
director shall verify that the construction or alterations are 27
consistent with the plans submitted and approved under division 28
(A) of this section. The director or licensor authorized by the 29
director shall have two working days from the time notification 30
is received that a public swimming pool, public spa, or special 31
use pool is ready for an inspection to verify the construction 32
or alterations. 33

(C) (1) Except as provided in division (C) (2) of this 34
section, the fees for the approval of plans are as follows: 35

(a) Five per cent of the total cost of the equipment and 36
installation not to exceed two hundred seventy-five dollars for 37
a public swimming pool, public spa, or special use pool, or a 38
combination thereof, that has less than two thousand square feet 39
of surface area; 40

(b) Five per cent of the total cost of the equipment and 41
installation not to exceed five hundred fifty dollars for a 42
public swimming pool, public spa, special use pool, or a 43
combination thereof, that has two thousand or more square feet 44
of surface area. 45

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

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

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

(F) A plan that does not meet the requirements of division (A) of section 3749.08 of the Revised Code shall not be approved.

Sec. 3749.08. (A) The flow rate through a feature nozzle of a water feature, including a fountain or other interactive feature, at a public swimming pool, public spa, or special use pool shall be such as not to harm patrons and shall not exceed twenty feet per second unless justified by the design engineer and by the fountain system manufacturer.

(B) The owner of a public swimming pool, public spa, or special use pool shall ensure that the pool or spa meets the requirements of division (A) of this section.

Section 2. That existing section 3749.03 of the Revised Code is hereby repealed.

Section 3. This act shall be known as Makenna's Law.