

**As Reported by the House Health Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 178**

**Representatives Schmidt, Miller, A.**

**Cosponsors: Representatives Cross, Baldrige, Carruthers, Abrams, Liston**

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**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 46  
Chapter 119. of the Revised Code, increase the fees established 47

by this section. 48

(D) All plan approval fees shall be paid into the state 49  
treasury to the credit of the general operations fund created by 50  
section 3701.83 of the Revised Code. The fees shall be 51  
administered by the director and shall be used solely for the 52  
administration and enforcement of this chapter and the rules 53  
adopted thereunder. 54

(E) Plan approvals issued under this section shall not 55  
constitute an exemption from the land use and building 56  
requirements of the political subdivision in which the public 57  
swimming pool, public spa, or special use pool is or is to be 58  
located. 59

(F) A plan that does not meet the requirements of division 60  
(A) of section 3749.08 of the Revised Code shall not be 61  
approved. 62

**Sec. 3749.08.** (A) The flow rate through a feature nozzle 63  
of a water feature, including a fountain or other interactive 64  
feature, at a public swimming pool, public spa, or special use 65  
pool shall be such as not to harm patrons and shall not exceed 66  
twenty feet per second unless justified by the design engineer 67  
and by the fountain system manufacturer. 68

(B) The owner of a public swimming pool, public spa, or 69  
special use pool shall ensure that the pool or spa meets the 70  
requirements of division (A) of this section. 71

**Section 2.** That existing section 3749.03 of the Revised 72  
Code is hereby repealed. 73

**Section 3.** This act shall be known as Makenna's Law. 74