

**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 condition equal to or better than original design specifications.	49 50 51
(J) "Maintenance" means the preservation and upkeep of an amusement ride for the purpose of maintaining its designed operational capability.	52 53 54
(K) "Inspection" means a physical examination of an amusement ride by an inspector for the purpose of approving the application for a permit. "Inspection" includes a reinspection.	55 56 57
(L) "Accident" means an occurrence during the operation of an amusement ride that results in death or injury requiring immediate hospital admission.	58 59 60
(M) "Serious injury" means an injury that does not require immediate hospital admission but does require medical treatment, other than first aid, by a physician.	61 62 63
(N) "First aid" means the one-time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, and contusions or a diagnostic procedure, including examinations and x-rays, that does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.	64 65 66 67 68 69
(O) "Advisory council" means the advisory council on amusement ride safety created by section 993.02 of the Revised Code.	70 71 72
(P) "Safe operation" means, except as provided in section 993.10 of the Revised Code, the practical application of maintenance, inspection, and operational processes, as indicated	73 74 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> <u>of special use pools with wave generating equipment;</u>	106 107
<u>(4) Physical safety.</u>	108
<u>(B) The regulation of the appurtenant facilities,</u> <u>surrounding areas, water quality, and disinfection of special</u> <u>use pools is the responsibility of the department of health and</u> <u>local boards of health under Chapter 3749. of the Revised Code.</u>	109 110 111 112
<b>Sec. 3749.01.</b> As used in sections 3749.01 to 3749.10 of the Revised Code:	113 114
(A) "Board of health" means a city board of health or a general health district, or an authority having the duties of a city board of health as authorized by section 3709.05 of the Revised Code.	115 116 117 118
(B) "Health district" means any city or general health district created pursuant to section 3709.01 of the Revised Code.	119 120 121
(C) "Person" means the state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.	122 123 124
(D) "Licensor" means a city board of health or a general health district, an authority having the duties of a city board of health as authorized pursuant to section 3709.05 of the Revised Code, or the director of health when acting under section 3749.07 of the Revised Code.	125 126 127 128 129
(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