

SENATE BILL 319

E4
HB 109/21 – ENT

2lr1034
CF HB 303

By: **Senator McCray**

Introduced and read first time: January 20, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Maryland Swimming Pool and Spa Standards – Adoption**

3 FOR the purpose of requiring the Maryland Department of Labor to adopt by regulation
4 the International Swimming Pool and Spa Code as the Maryland Swimming Pool
5 and Spa Standards; providing for the implementation of the Standards by the
6 Department, local jurisdictions, counties, and municipalities; requiring the
7 Department to consult with the Maryland Department of Health on the
8 implementation of the Standards in relation to the regulation of the operation and
9 maintenance of swimming pools and spas; and generally relating to the Maryland
10 Swimming Pool and Spa Standards.

11 BY adding to

12 Article – Public Safety

13 Section 12–1201 through 12–1207 to be under the new subtitle “Subtitle 12.
14 Maryland Swimming Pool and Spa Standards”

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Public Safety**

20 **SUBTITLE 12. MARYLAND SWIMMING POOL AND SPA STANDARDS.**

21 **12–1201.**

22 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF LABOR.

2 (C) (1) "INTERNATIONAL SWIMMING POOL AND SPA CODE" MEANS THE
3 FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL
4 SWIMMING POOL AND SPA CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.

5 (2) "INTERNATIONAL SWIMMING POOL AND SPA CODE" DOES NOT
6 INCLUDE INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST
7 RECENT EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE.

8 (D) "LOCAL JURISDICTION" MEANS THE COUNTY OR MUNICIPAL
9 CORPORATION THAT IS RESPONSIBLE FOR IMPLEMENTATION AND ENFORCEMENT
10 OF THE STANDARDS UNDER THIS SUBTITLE.

11 (E) "SPA" HAS THE MEANING STATED IN THE INTERNATIONAL SWIMMING
12 POOL AND SPA CODE.

13 (F) "STANDARDS" MEANS THE MARYLAND SWIMMING POOL AND SPA
14 STANDARDS.

15 (G) "SWIMMING POOL" HAS THE MEANING STATED IN THE INTERNATIONAL
16 SWIMMING POOL AND SPA CODE.

17 12-1202.

18 (A) THIS SUBTITLE DOES NOT ALTER OR ABROGATE THE AUTHORITY OF:

19 (1) THE STATE FIRE PREVENTION COMMISSION TO ENFORCE THE
20 ELECTRICAL CODE UNDER SUBTITLE 6 OF THIS TITLE;

21 (2) THE PUBLIC SERVICE COMMISSION TO ENFORCE THE ENERGY
22 CODE DEFINED UNDER THE ENERGY CONSERVATION BUILDING STANDARDS ACT,
23 TITLE 7, SUBTITLE 4 OF THE PUBLIC UTILITIES ARTICLE; OR

24 (3) THE MARYLAND DEPARTMENT OF HEALTH TO REGULATE THE
25 OPERATION AND MAINTENANCE OF SWIMMING POOLS AND SPAS.

26 (B) THIS SUBTITLE DOES NOT ALTER OR ABROGATE ANY ZONING POWER OR
27 RELATED AUTHORITY OF A COUNTY OR MUNICIPAL CORPORATION.

28 (C) THIS SUBTITLE DOES NOT ALLOW OR ENCOURAGE THE STATE TO
29 INITIATE OR ASSUME AN INDEPENDENT ROLE IN THE ADMINISTRATION AND
30 ENFORCEMENT OF THE STANDARDS FOR A SWIMMING POOL OR SPA THAT IS NOT
31 OWNED OR OPERATED BY THE STATE.

1 12-1203.

2 (A) (1) THE DEPARTMENT SHALL ADOPT BY REGULATION, AS THE
3 MARYLAND SWIMMING POOL AND SPA STANDARDS, THE INTERNATIONAL
4 SWIMMING POOL AND SPA CODE, WITH THE MODIFICATIONS INCORPORATED BY
5 THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

6 (2) THE DEPARTMENT SHALL ADOPT EACH SUBSEQUENT VERSION OF
7 THE STANDARDS WITHIN 18 MONTHS AFTER IT IS ISSUED.

8 (B) (1) BEFORE ADOPTING EACH VERSION OF THE STANDARDS, THE
9 DEPARTMENT SHALL:

10 (I) REVIEW THE INTERNATIONAL SWIMMING POOL AND SPA
11 CODE TO DETERMINE WHETHER MODIFICATIONS SHOULD BE INCORPORATED IN
12 THE STANDARDS;

13 (II) CONSIDER CHANGES TO THE INTERNATIONAL SWIMMING
14 POOL AND SPA CODE TO ENHANCE ENERGY CONSERVATION AND EFFICIENCY;

15 (III) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
16 SUBSECTION, ADOPT MODIFICATIONS TO THE STANDARDS THAT ALLOW ANY
17 INNOVATIVE APPROACH, DESIGN, EQUIPMENT, OR METHOD OF CONSTRUCTION
18 THAT CAN BE DEMONSTRATED TO OFFER ADDITIONAL ENERGY EFFICIENCY;

19 (IV) CONSULT WITH THE MARYLAND DEPARTMENT OF HEALTH
20 ON THE EFFECT OF THE PROPOSED CHANGES ON HEALTH AND SAFETY;

21 (V) ACCEPT WRITTEN COMMENTS;

22 (VI) CONSIDER ANY COMMENTS RECEIVED; AND

23 (VII) HOLD A PUBLIC HEARING ON EACH PROPOSED
24 MODIFICATION.

25 (2) AS PART OF THE STANDARDS, THE DEPARTMENT SHALL ADOPT
26 WITHOUT MODIFICATION THE PROVISIONS OF THE INTERNATIONAL SWIMMING
27 POOL AND SPA CODE RELATING TO THE REQUIREMENTS APPLICABLE TO
28 ADDITIONS, ALTERATIONS, OR REPAIRS.

29 (C) THE STANDARDS APPLY TO EACH SWIMMING POOL OR SPA IN THE
30 STATE FOR WHICH AN APPLICATION FOR A PERMIT IS RECEIVED BY A LOCAL
31 JURISDICTION ON OR AFTER JUNE 1, 2023.

1 **12-1204.**

2 (A) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE
3 STANDARDS IF THE LOCAL AMENDMENTS DO NOT:

4 (1) PROHIBIT THE MINIMUM IMPLEMENTATION AND ENFORCEMENT
5 ACTIVITIES SET FORTH IN § 12-1205 OF THIS SUBTITLE; OR

6 (2) WEAKEN ENERGY CONSERVATION AND EFFICIENCY PROVISIONS
7 CONTAINED IN THE STANDARDS.

8 (B) IF A LOCAL JURISDICTION ADOPTS A LOCAL AMENDMENT TO THE
9 STANDARDS, THE STANDARDS AS AMENDED BY THE LOCAL JURISDICTION APPLY IN
10 THE LOCAL JURISDICTION.

11 (C) IF A LOCAL AMENDMENT CONFLICTS WITH THE STANDARDS, THE LOCAL
12 AMENDMENT PREVAILS IN THE LOCAL JURISDICTION.

13 (D) A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT TO THE
14 STANDARDS SHALL ENSURE THAT THE LOCAL AMENDMENT IS ADOPTED IN
15 ACCORDANCE WITH APPLICABLE LOCAL LAW.

16 (E) TO KEEP THE DATABASE ESTABLISHED UNDER THIS SUBTITLE
17 CURRENT, A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT TO THE
18 STANDARDS SHALL PROVIDE A COPY OF THE LOCAL AMENDMENT TO THE
19 DEPARTMENT:

20 (1) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE
21 AMENDMENT; OR

22 (2) WITHIN 5 DAYS AFTER THE ADOPTION OF AN EMERGENCY LOCAL
23 AMENDMENT.

24 **12-1205.**

25 (A) (1) (I) EACH LOCAL JURISDICTION SHALL IMPLEMENT AND
26 ENFORCE THE MOST CURRENT VERSION OF THE STANDARDS AND ANY LOCAL
27 AMENDMENTS TO THE STANDARDS.

28 (II) ANY MODIFICATION OF THE STANDARDS ADOPTED BY THE
29 STATE ON OR AFTER DECEMBER 31, 2022, SHALL BE IMPLEMENTED AND ENFORCED
30 BY A LOCAL JURISDICTION NOT LATER THAN 12 MONTHS AFTER THE
31 MODIFICATIONS ARE ADOPTED BY THE STATE.

1 **(2) AT A MINIMUM, THE LOCAL JURISDICTION SHALL ENSURE THAT**
2 **IMPLEMENTATION AND ENFORCEMENT OF THE STANDARDS INCLUDES:**

3 **(I) REVIEW AND ACCEPTANCE OF APPROPRIATE PLANS;**

4 **(II) ISSUANCE OF WORK PERMITS;**

5 **(III) INSPECTION OF THE WORK AUTHORIZED BY THE WORK**
6 **PERMITS; AND**

7 **(IV) ISSUANCE OF APPROPRIATE USE AND OCCUPANCY**
8 **CERTIFICATES.**

9 **(3) EACH LOCAL JURISDICTION SHALL DETERMINE THE MANNER IN**
10 **WHICH THE MINIMUM IMPLEMENTATION AND ENFORCEMENT ACTIVITIES OF THIS**
11 **SUBSECTION ARE CARRIED OUT.**

12 **(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
13 **COUNTY IN WHICH A SWIMMING POOL OR SPA IS LOCATED SHALL IMPLEMENT AND**
14 **ENFORCE THE STANDARDS FOR THAT SWIMMING POOL OR SPA IN ACCORDANCE**
15 **WITH THIS SUBTITLE.**

16 **(2) (I) A MUNICIPAL CORPORATION THAT DID NOT ADOPT A**
17 **SWIMMING POOL AND SPA CODE BEFORE OCTOBER 1, 2022, MAY ELECT TO**
18 **IMPLEMENT AND ENFORCE THE STANDARDS IN ACCORDANCE WITH THIS SUBTITLE**
19 **FOR SWIMMING POOLS OR SPAS LOCATED IN THE MUNICIPAL CORPORATION.**

20 **(II) IF A MUNICIPAL CORPORATION ELECTS TO IMPLEMENT AND**
21 **ENFORCE THE STANDARDS UNDER THIS PARAGRAPH, THE COUNTY IN WHICH THE**
22 **MUNICIPAL CORPORATION IS LOCATED IS NOT RESPONSIBLE FOR**
23 **IMPLEMENTATION AND ENFORCEMENT OF THE STANDARDS IN THE MUNICIPAL**
24 **CORPORATION.**

25 **(3) A COUNTY THAT DID NOT ADOPT A SWIMMING POOL AND SPA**
26 **CODE BEFORE OCTOBER 1, 2022, SHALL IMPLEMENT AND ENFORCE THE**
27 **STANDARDS IN THE COUNTY UNLESS IT ELECTS TO NEGOTIATE WITH A MUNICIPAL**
28 **CORPORATION IN THE COUNTY TO HAVE THE MUNICIPAL CORPORATION**
29 **IMPLEMENT AND ENFORCE THE STANDARDS IN THE COUNTY.**

30 **(4) A MUNICIPAL CORPORATION THAT ADOPTED A SWIMMING POOL**
31 **AND SPA CODE BEFORE OCTOBER 1, 2021, SHALL IMPLEMENT AND ENFORCE THE**
32 **STANDARDS IN THE MUNICIPAL CORPORATION UNLESS IT ELECTS TO NEGOTIATE**
33 **WITH THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED TO HAVE**

1 THE COUNTY IMPLEMENT AND ENFORCE THE STANDARDS IN THE MUNICIPAL
2 CORPORATION.

3 (C) A LOCAL JURISDICTION MAY CHARGE FEES NECESSARY TO COVER THE
4 COST OF IMPLEMENTATION AND ENFORCEMENT OF THE STANDARDS AND ANY
5 LOCAL AMENDMENTS TO THE STANDARDS.

6 12-1206.

7 (A) THE DEPARTMENT SHALL MAINTAIN A CENTRAL AUTOMATED
8 DATABASE IN ACCORDANCE WITH THIS SECTION.

9 (B) (1) AT A MINIMUM, THE DEPARTMENT SHALL INCLUDE IN THE
10 DATABASE:

11 (I) THE STANDARDS;

12 (II) LOCAL AMENDMENTS TO THE STANDARDS;

13 (III) THE ELECTRICAL CODE REQUIRED UNDER SUBTITLE 6 OF
14 THIS TITLE;

15 (IV) LOCAL AMENDMENTS TO THE ELECTRICAL CODE; AND

16 (V) INFORMATION COMPILED BY THE DEPARTMENT UNDER
17 PARAGRAPH (2) OF THIS SUBSECTION.

18 (2) THE DEPARTMENT MAY COMPILE AND INCLUDE IN THE
19 DATABASE:

20 (I) ANY INFORMATION PROVIDED BY A LOCAL JURISDICTION
21 ON THE IMPLEMENTATION AND INTERPRETATION OF THE STANDARDS BY THE
22 LOCAL JURISDICTION; AND

23 (II) INTERIM AMENDMENTS TO THE INTERNATIONAL
24 SWIMMING POOL AND SPA CODE INCLUDING SUBSEQUENT PRINTINGS OF THE MOST
25 RECENT EDITION.

26 (C) THE DEPARTMENT SHALL:

27 (1) MAKE INFORMATION FROM THE DATABASE AVAILABLE TO A
28 LOCAL JURISDICTION, STATE UNIT, OR OTHER INTERESTED PARTY;

1 **(2) PROVIDE EACH LOCAL JURISDICTION WITH THE NECESSARY**
2 **HARDWARE OR SOFTWARE TO ENABLE THE LOCAL JURISDICTION TO ACCESS THE**
3 **INFORMATION IN THE DATABASE; AND**

4 **(3) COORDINATE WITH LOCAL SWIMMING POOL AND SPA OFFICIALS,**
5 **THE STATE FIRE MARSHAL, AND LOCAL FIRE OFFICIALS IN COMPILING**
6 **INFORMATION FOR THE DATABASE.**

7 **(D) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
8 **PARAGRAPH, THE DEPARTMENT MAY CHARGE A FEE FOR INFORMATION PROVIDED**
9 **FROM THE DATABASE.**

10 **(II) THE DEPARTMENT MAY NOT CHARGE A FEE TO A STATE**
11 **UNIT OR LOCAL JURISDICTION.**

12 **(2) THE DEPARTMENT MAY NOT CHARGE A FEE TO A LOCAL**
13 **JURISDICTION FOR THE ONGOING MAINTENANCE OF THE DATABASE.**

14 **(3) FEES COLLECTED IN ACCORDANCE WITH THIS SUBSECTION**
15 **UNEXPENDED AT THE END OF THE FISCAL YEAR DO NOT REVERT TO THE GENERAL**
16 **FUND OF THE STATE, BUT SHALL BE KEPT IN A SPECIAL FUND AVAILABLE TO THE**
17 **DEPARTMENT TO CARRY OUT THIS SUBTITLE.**

18 **12-1207.**

19 **(A) THE DEPARTMENT MAY:**

20 **(1) DEVELOP A VOLUNTARY FORUM THAT MAY BE USED, ON REQUEST**
21 **OF A LOCAL JURISDICTION, TO RESOLVE CONFLICTS THAT INVOLVE THE**
22 **STANDARDS; AND**

23 **(2) ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.**

24 **(B) THE DEPARTMENT:**

25 **(1) SHALL NOTIFY EACH LOCAL JURISDICTION OF EACH CHANGE TO**
26 **THE INTERNATIONAL SWIMMING POOL AND SPA CODE AND THE IMPACT THE**
27 **CHANGE WILL HAVE ON THE LOCAL AMENDMENTS IN THAT LOCAL JURISDICTION;**

28 **(2) MAY PROVIDE TRAINING FOR LOCAL SWIMMING POOL AND SPA**
29 **OFFICIALS ON THE STANDARDS AND CERTIFY THE PARTICIPATION OF LOCAL**
30 **SWIMMING POOL AND SPA OFFICIALS IN THE TRAINING;**

1 **(3) ON REQUEST, SHALL PROVIDE A LOCAL JURISDICTION WITH**
2 **TECHNICAL ASSISTANCE TO IMPLEMENT AND ENFORCE THE STANDARDS; AND**

3 **(4) SHALL CONSULT WITH THE MARYLAND DEPARTMENT OF HEALTH**
4 **ON THE IMPLEMENTATION OF THE STANDARDS IN RELATION TO THE REGULATION**
5 **OF THE OPERATION AND MAINTENANCE OF SWIMMING POOLS AND SPAS.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That:

7 (a) Except as provided in subsection (b) of this section, this Act shall be construed
8 to apply to swimming pools and spas, including swimming pools and spas in hotels and
9 motels, only prospectively and may not be applied or interpreted to have any effect on or
10 application to a swimming pool or spa in operation before the effective date of this Act.

11 (b) This Act shall be construed to apply to any swimming pool or spa for which
12 new construction or renovation, or a substantial and material structural change, occurs on
13 or after the effective date of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2022.