

HOUSE BILL 109

E4

(PRE-FILED)

11r0837
CF SB 254

By: **Delegate Stein**

Requested: October 2, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2021

CHAPTER _____

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; requiring the Department to adopt each subsequent version of
6 the Standards within a certain period of time; requiring the Department to take
7 certain actions before adopting each version of the Standards; prohibiting the
8 Department from adopting a modification of the Standards that is more stringent
9 than certain requirements; requiring the Department to adopt without modification
10 certain provisions relating to additions, alterations, or repairs; authorizing a local
11 jurisdiction to adopt local amendments to the Standards under certain
12 circumstances; requiring a local jurisdiction that adopts a local amendment to the
13 Standards to provide a copy of the local amendment to the Department within a
14 certain period of time; requiring each local jurisdiction to implement and enforce a
15 certain version of the Standards and any local amendments under certain
16 circumstances; requiring a certain county to implement and enforce the Standards
17 in a certain manner; authorizing certain municipal corporations to implement and
18 enforce the Standards under certain circumstances; authorizing a local jurisdiction
19 to charge certain fees; requiring the Department to maintain a certain central
20 automated database in accordance with this Act; providing for the contents of a
21 certain database; requiring the Department to take certain actions regarding the
22 operation and administration of a certain database; authorizing the Department to
23 charge a fee for information provided from the database; prohibiting the Department
24 from charging a certain fee to a local jurisdiction; providing that certain fees be kept

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 in a certain special fund and do not revert to the General Fund; authorizing the
2 Department to develop a certain forum and adopt regulations; requiring the
3 Department to provide a certain notice and certain technical assistance to local
4 jurisdictions relating to the Standards; authorizing the Department to provide
5 training for local officials on the Standards; requiring the Department to consult
6 with the Maryland Department of Health on the implementation of the Standards
7 in relation to the regulation of the operation and maintenance of swimming pools
8 and spas; providing for the application of this Act; defining certain terms; and
9 generally relating to the Maryland Swimming Pool and Spa Standards.

10 BY adding to

11 Article – Public Safety

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

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2020 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Public Safety**

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

20 **12–1201.**

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

23 (B) “DEPARTMENT” MEANS THE MARYLAND DEPARTMENT OF LABOR.

24 (C) (1) “INTERNATIONAL SWIMMING POOL AND SPA CODE” MEANS THE
25 FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL
26 SWIMMING POOL AND SPA CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.

27 (2) “INTERNATIONAL SWIMMING POOL AND SPA CODE” DOES NOT
28 INCLUDE INTERIM AMENDMENTS OR SUBSEQUENT PRINTINGS OF THE MOST
29 RECENT EDITION OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE.

30 (D) “LOCAL JURISDICTION” MEANS THE COUNTY OR MUNICIPAL
31 CORPORATION THAT IS RESPONSIBLE FOR IMPLEMENTATION AND ENFORCEMENT
32 OF THE STANDARDS UNDER THIS SUBTITLE.

33 (E) “SPA” HAS THE MEANING STATED IN THE INTERNATIONAL SWIMMING
34 POOL AND SPA CODE.

1 (F) "STANDARDS" MEANS THE MARYLAND SWIMMING POOL AND SPA
2 STANDARDS.

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

5 12-1202.

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

7 (1) THE STATE FIRE PREVENTION COMMISSION TO ENFORCE THE
8 ELECTRICAL CODE UNDER SUBTITLE 6 OF THIS TITLE; ~~OR~~

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

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

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

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

20 12-1203.

21 (A) (1) THE DEPARTMENT SHALL ADOPT BY REGULATION, AS THE
22 MARYLAND SWIMMING POOL AND SPA STANDARDS, THE INTERNATIONAL
23 SWIMMING POOL AND SPA CODE, WITH THE MODIFICATIONS INCORPORATED BY
24 THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

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

27 (B) (1) BEFORE ADOPTING EACH VERSION OF THE STANDARDS, THE
28 DEPARTMENT SHALL:

29 (I) REVIEW THE INTERNATIONAL SWIMMING POOL AND SPA
30 CODE TO DETERMINE WHETHER MODIFICATIONS SHOULD BE INCORPORATED IN
31 THE STANDARDS;

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

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

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

9 ~~(IV)~~ (V) ACCEPT WRITTEN COMMENTS;

10 ~~(V)~~ (VI) CONSIDER ANY COMMENTS RECEIVED; AND

11 ~~(VI)~~ (VII) HOLD A PUBLIC HEARING ON EACH PROPOSED
12 MODIFICATION.

13 (2) THE DEPARTMENT MAY NOT ADOPT AS PART OF THE STANDARDS
14 A MODIFICATION OF A SWIMMING POOL OR SPA CODE REQUIREMENT THAT IS MORE
15 STRINGENT THAN THE REQUIREMENT IN THE INTERNATIONAL SWIMMING POOL
16 AND SPA CODE.

17 (3) AS PART OF THE STANDARDS, THE DEPARTMENT SHALL ADOPT
18 WITHOUT MODIFICATION THE PROVISIONS OF THE INTERNATIONAL SWIMMING
19 POOL AND SPA CODE RELATING TO THE REQUIREMENTS APPLICABLE TO
20 ADDITIONS, ALTERATIONS, OR REPAIRS.

21 (C) THE STANDARDS APPLY TO EACH SWIMMING POOL OR SPA IN THE
22 STATE FOR WHICH AN APPLICATION FOR A PERMIT IS RECEIVED BY A LOCAL
23 JURISDICTION ON OR AFTER JUNE 1, 2022.

24 12-1204.

25 (A) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE
26 STANDARDS IF THE LOCAL AMENDMENTS DO NOT:

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

29 (2) WEAKEN ENERGY CONSERVATION AND EFFICIENCY PROVISIONS
30 CONTAINED IN THE STANDARDS.

1 **(B) IF A LOCAL JURISDICTION ADOPTS A LOCAL AMENDMENT TO THE**
2 **STANDARDS, THE STANDARDS AS AMENDED BY THE LOCAL JURISDICTION APPLY IN**
3 **THE LOCAL JURISDICTION.**

4 **(C) IF A LOCAL AMENDMENT CONFLICTS WITH THE STANDARDS, THE LOCAL**
5 **AMENDMENT PREVAILS IN THE LOCAL JURISDICTION.**

6 **(D) A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT TO THE**
7 **STANDARDS SHALL ENSURE THAT THE LOCAL AMENDMENT IS ADOPTED IN**
8 **ACCORDANCE WITH APPLICABLE LOCAL LAW.**

9 **(E) TO KEEP THE DATABASE ESTABLISHED UNDER THIS SUBTITLE**
10 **CURRENT, A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT TO THE**
11 **STANDARDS SHALL PROVIDE A COPY OF THE LOCAL AMENDMENT TO THE**
12 **DEPARTMENT:**

13 **(1) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE**
14 **AMENDMENT; OR**

15 **(2) WITHIN 5 DAYS AFTER THE ADOPTION OF AN EMERGENCY LOCAL**
16 **AMENDMENT.**

17 **12-1205.**

18 **(A) (1) (I) EACH LOCAL JURISDICTION SHALL IMPLEMENT AND**
19 **ENFORCE THE MOST CURRENT VERSION OF THE STANDARDS AND ANY LOCAL**
20 **AMENDMENTS TO THE STANDARDS.**

21 **(II) ANY MODIFICATION OF THE STANDARDS ADOPTED BY THE**
22 **STATE ON OR AFTER DECEMBER 31, 2021, SHALL BE IMPLEMENTED AND ENFORCED**
23 **BY A LOCAL JURISDICTION NOT LATER THAN 12 MONTHS AFTER THE**
24 **MODIFICATIONS ARE ADOPTED BY THE STATE.**

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

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

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

29 **(III) INSPECTION OF THE WORK AUTHORIZED BY THE WORK**
30 **PERMITS; AND**

1 (IV) ISSUANCE OF APPROPRIATE USE AND OCCUPANCY
2 CERTIFICATES.

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

6 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
7 COUNTY IN WHICH A SWIMMING POOL OR SPA IS LOCATED SHALL IMPLEMENT AND
8 ENFORCE THE STANDARDS FOR THAT SWIMMING POOL OR SPA IN ACCORDANCE
9 WITH THIS SUBTITLE.

10 (2) (I) A MUNICIPAL CORPORATION THAT DID NOT ADOPT A
11 SWIMMING POOL AND SPA CODE BEFORE OCTOBER 1, 2021, MAY ELECT TO
12 IMPLEMENT AND ENFORCE THE STANDARDS IN ACCORDANCE WITH THIS SUBTITLE
13 FOR SWIMMING POOLS OR SPAS LOCATED IN THE MUNICIPAL CORPORATION.

14 (II) IF A MUNICIPAL CORPORATION ELECTS TO IMPLEMENT AND
15 ENFORCE THE STANDARDS UNDER THIS PARAGRAPH, THE COUNTY IN WHICH THE
16 MUNICIPAL CORPORATION IS LOCATED IS NOT RESPONSIBLE FOR
17 IMPLEMENTATION AND ENFORCEMENT OF THE STANDARDS IN THE MUNICIPAL
18 CORPORATION.

19 (3) A COUNTY THAT DID NOT ADOPT A SWIMMING POOL AND SPA
20 CODE BEFORE OCTOBER 1, 2021, SHALL IMPLEMENT AND ENFORCE THE
21 STANDARDS IN THE COUNTY UNLESS IT ELECTS TO NEGOTIATE WITH A MUNICIPAL
22 CORPORATION IN THE COUNTY TO HAVE THE MUNICIPAL CORPORATION
23 IMPLEMENT AND ENFORCE THE STANDARDS IN THE COUNTY.

24 (4) A MUNICIPAL CORPORATION THAT ADOPTED A SWIMMING POOL
25 AND SPA CODE BEFORE OCTOBER 1, 2021, SHALL IMPLEMENT AND ENFORCE THE
26 STANDARDS IN THE MUNICIPAL CORPORATION UNLESS IT ELECTS TO NEGOTIATE
27 WITH THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED TO HAVE
28 THE COUNTY IMPLEMENT AND ENFORCE THE STANDARDS IN THE MUNICIPAL
29 CORPORATION.

30 (C) A LOCAL JURISDICTION MAY CHARGE FEES NECESSARY TO COVER THE
31 COST OF IMPLEMENTATION AND ENFORCEMENT OF THE STANDARDS AND ANY
32 LOCAL AMENDMENTS TO THE STANDARDS.

33 12-1206.

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

1 **(B) (1) AT A MINIMUM, THE DEPARTMENT SHALL INCLUDE IN THE**
2 **DATABASE:**

3 **(I) THE STANDARDS;**

4 **(II) LOCAL AMENDMENTS TO THE STANDARDS;**

5 **(III) THE ELECTRICAL CODE REQUIRED UNDER SUBTITLE 6 OF**
6 **THIS TITLE;**

7 **(IV) LOCAL AMENDMENTS TO THE ELECTRICAL CODE; AND**

8 **(V) INFORMATION COMPILED BY THE DEPARTMENT UNDER**
9 **PARAGRAPH (2) OF THIS SUBSECTION.**

10 **(2) THE DEPARTMENT MAY COMPILE AND INCLUDE IN THE**
11 **DATABASE:**

12 **(I) ANY INFORMATION PROVIDED BY A LOCAL JURISDICTION**
13 **ON THE IMPLEMENTATION AND INTERPRETATION OF THE STANDARDS BY THE**
14 **LOCAL JURISDICTION; AND**

15 **(II) INTERIM AMENDMENTS TO THE INTERNATIONAL**
16 **SWIMMING POOL AND SPA CODE INCLUDING SUBSEQUENT PRINTINGS OF THE MOST**
17 **RECENT EDITION.**

18 **(C) THE DEPARTMENT SHALL:**

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

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

24 **(3) COORDINATE WITH LOCAL SWIMMING POOL AND SPA OFFICIALS,**
25 **THE STATE FIRE MARSHAL, AND LOCAL FIRE OFFICIALS IN COMPILING**
26 **INFORMATION FOR THE DATABASE.**

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

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

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

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

9 **12-1207.**

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

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

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

15 **(B) THE DEPARTMENT:**

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

19 **(2) MAY PROVIDE TRAINING FOR LOCAL SWIMMING POOL AND SPA**
20 **OFFICIALS ON THE STANDARDS AND CERTIFY THE PARTICIPATION OF LOCAL**
21 **SWIMMING POOL AND SPA OFFICIALS IN THE TRAINING; ~~AND~~**

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2021.