

# SENATE BILL 254

E4

(PRE-FILED)

11r0506  
CF HB 109

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By: **Senator McCray**

Requested: September 10, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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## 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; 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; authorizing a local jurisdiction to adopt local  
10 amendments to the Standards under certain circumstances; requiring a local  
11 jurisdiction that adopts a local amendment to the Standards to provide a copy of the  
12 local amendment to the Department within a certain period of time; requiring each  
13 local jurisdiction to implement and enforce a certain version of the Standards and  
14 any local amendments under certain circumstances; requiring a certain county to  
15 implement and enforce the Standards in a certain manner; authorizing certain  
16 municipal corporations to implement and enforce the Standards under certain  
17 circumstances; authorizing a local jurisdiction to charge certain fees; requiring the  
18 Department to maintain a certain central automated database in accordance with  
19 this Act; providing for the contents of a certain database; requiring the Department  
20 to take certain actions regarding the operation and administration of a certain  
21 database; authorizing the Department to charge a fee for information provided from  
22 the database; prohibiting the Department from charging a certain fee to a local  
23 jurisdiction; providing that certain fees be kept in a certain special fund and do not  
24 revert to the General Fund; authorizing the Department to develop a certain forum  
25 and adopt regulations; requiring the Department to provide a certain notice and  
26 certain technical assistance to local jurisdictions relating to the Standards;  
27 authorizing the Department to provide training for local officials on the Standards;  
28 providing for the application of this Act; defining certain terms; and generally  
29 relating to the Maryland Swimming Pool and Spa Standards.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Public Safety  
3 Section 12–1201 through 12–1207 to be under the new subtitle “Subtitle 12.  
4 Maryland Swimming Pool and Spa Standards”  
5 Annotated Code of Maryland  
6 (2018 Replacement Volume and 2020 Supplement)

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

9 **Article – Public Safety**

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

11 **12–1201.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

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

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

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

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

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

26 (F) “STANDARDS” MEANS THE MARYLAND SWIMMING POOL AND SPA  
27 STANDARDS.

28 (G) “SWIMMING POOL” HAS THE MEANING STATED IN THE INTERNATIONAL  
29 SWIMMING POOL AND SPA CODE.

30 **12–1202.**

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

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

3           **(2) THE PUBLIC SERVICE COMMISSION TO ENFORCE THE ENERGY**  
4 **CODE DEFINED UNDER THE ENERGY CONSERVATION BUILDING STANDARDS ACT,**  
5 **TITLE 7, SUBTITLE 4 OF THE PUBLIC UTILITIES ARTICLE.**

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

8           **(C) THIS SUBTITLE DOES NOT ALLOW OR ENCOURAGE THE STATE TO**  
9 **INITIATE OR ASSUME AN INDEPENDENT ROLE IN THE ADMINISTRATION AND**  
10 **ENFORCEMENT OF THE STANDARDS FOR A SWIMMING POOL OR SPA THAT IS NOT**  
11 **OWNED OR OPERATED BY THE STATE.**

12 **12-1203.**

13           **(A) (1) THE DEPARTMENT SHALL ADOPT BY REGULATION, AS THE**  
14 **MARYLAND SWIMMING POOL AND SPA STANDARDS, THE INTERNATIONAL**  
15 **SWIMMING POOL AND SPA CODE, WITH THE MODIFICATIONS INCORPORATED BY**  
16 **THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**

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

19           **(B) (1) BEFORE ADOPTING EACH VERSION OF THE STANDARDS, THE**  
20 **DEPARTMENT SHALL:**

21                   **(I) REVIEW THE INTERNATIONAL SWIMMING POOL AND SPA**  
22 **CODE TO DETERMINE WHETHER MODIFICATIONS SHOULD BE INCORPORATED IN**  
23 **THE STANDARDS;**

24                   **(II) CONSIDER CHANGES TO THE INTERNATIONAL SWIMMING**  
25 **POOL AND SPA CODE TO ENHANCE ENERGY CONSERVATION AND EFFICIENCY;**

26                   **(III) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS**  
27 **SUBSECTION, ADOPT MODIFICATIONS TO THE STANDARDS THAT ALLOW ANY**  
28 **INNOVATIVE APPROACH, DESIGN, EQUIPMENT, OR METHOD OF CONSTRUCTION**  
29 **THAT CAN BE DEMONSTRATED TO OFFER ADDITIONAL ENERGY EFFICIENCY;**

30                   **(IV) ACCEPT WRITTEN COMMENTS;**

31                   **(V) CONSIDER ANY COMMENTS RECEIVED; AND**

1 (VI) HOLD A PUBLIC HEARING ON EACH PROPOSED  
2 MODIFICATION.

3 (2) THE DEPARTMENT MAY NOT ADOPT AS PART OF THE STANDARDS  
4 A MODIFICATION OF A SWIMMING POOL OR SPA CODE REQUIREMENT THAT IS MORE  
5 STRINGENT THAN THE REQUIREMENT IN THE INTERNATIONAL SWIMMING POOL  
6 AND SPA CODE.

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

10 12-1204.

11 (A) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE  
12 STANDARDS IF THE LOCAL AMENDMENTS DO NOT:

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

15 (2) WEAKEN ENERGY CONSERVATION AND EFFICIENCY PROVISIONS  
16 CONTAINED IN THE STANDARDS.

17 (B) IF A LOCAL JURISDICTION ADOPTS A LOCAL AMENDMENT TO THE  
18 STANDARDS, THE STANDARDS AS AMENDED BY THE LOCAL JURISDICTION APPLY IN  
19 THE LOCAL JURISDICTION.

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

22 (D) A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT TO THE  
23 STANDARDS SHALL ENSURE THAT THE LOCAL AMENDMENT IS ADOPTED IN  
24 ACCORDANCE WITH APPLICABLE LOCAL LAW.

25 (E) TO KEEP THE DATABASE ESTABLISHED UNDER THIS SUBTITLE  
26 CURRENT, A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT TO THE  
27 STANDARDS SHALL PROVIDE A COPY OF THE LOCAL AMENDMENT TO THE  
28 DEPARTMENT:

29 (1) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE  
30 AMENDMENT; OR

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

3 **12-1205.**

4           **(A) (1) (I) EACH LOCAL JURISDICTION SHALL IMPLEMENT AND**  
5 **ENFORCE THE MOST CURRENT VERSION OF THE STANDARDS AND ANY LOCAL**  
6 **AMENDMENTS TO THE STANDARDS.**

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

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

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

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

15                           **(III) INSPECTION OF THE WORK AUTHORIZED BY THE WORK**  
16 **PERMITS; AND**

17                           **(IV) ISSUANCE OF APPROPRIATE USE AND OCCUPANCY**  
18 **CERTIFICATES.**

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

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

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

30                           **(II) IF A MUNICIPAL CORPORATION ELECTS TO IMPLEMENT AND**  
31 **ENFORCE THE STANDARDS UNDER THIS PARAGRAPH, THE COUNTY IN WHICH THE**  
32 **MUNICIPAL CORPORATION IS LOCATED IS NOT RESPONSIBLE FOR**

1 IMPLEMENTATION AND ENFORCEMENT OF THE STANDARDS IN THE MUNICIPAL  
2 CORPORATION.

3           (3) A COUNTY THAT DID NOT ADOPT A SWIMMING POOL AND SPA  
4 CODE BEFORE OCTOBER 1, 2021, SHALL IMPLEMENT AND ENFORCE THE  
5 STANDARDS IN THE COUNTY UNLESS IT ELECTS TO NEGOTIATE WITH A MUNICIPAL  
6 CORPORATION IN THE COUNTY TO HAVE THE MUNICIPAL CORPORATION  
7 IMPLEMENT AND ENFORCE THE STANDARDS IN THE COUNTY.

8           (4) A MUNICIPAL CORPORATION THAT ADOPTED A SWIMMING POOL  
9 AND SPA CODE BEFORE OCTOBER 1, 2021, SHALL IMPLEMENT AND ENFORCE THE  
10 STANDARDS IN THE MUNICIPAL CORPORATION UNLESS IT ELECTS TO NEGOTIATE  
11 WITH THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED TO HAVE  
12 THE COUNTY IMPLEMENT AND ENFORCE THE STANDARDS IN THE MUNICIPAL  
13 CORPORATION.

14           (C) A LOCAL JURISDICTION MAY CHARGE FEES NECESSARY TO COVER THE  
15 COST OF IMPLEMENTATION AND ENFORCEMENT OF THE STANDARDS AND ANY  
16 LOCAL AMENDMENTS TO THE STANDARDS.

17 12-1206.

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

20           (B) (1) AT A MINIMUM, THE DEPARTMENT SHALL INCLUDE IN THE  
21 DATABASE:

22                   (I) THE STANDARDS;

23                   (II) LOCAL AMENDMENTS TO THE STANDARDS;

24                   (III) THE ELECTRICAL CODE REQUIRED UNDER SUBTITLE 6 OF  
25 THIS TITLE;

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

27                   (V) INFORMATION COMPILED BY THE DEPARTMENT UNDER  
28 PARAGRAPH (2) OF THIS SUBSECTION.

29           (2) THE DEPARTMENT MAY COMPILE AND INCLUDE IN THE  
30 DATABASE:

1           **(I) ANY INFORMATION PROVIDED BY A LOCAL JURISDICTION**  
2 **ON THE IMPLEMENTATION AND INTERPRETATION OF THE STANDARDS BY THE**  
3 **LOCAL JURISDICTION; AND**

4           **(II) INTERIM AMENDMENTS TO THE INTERNATIONAL**  
5 **SWIMMING POOL AND SPA CODE INCLUDING SUBSEQUENT PRINTINGS OF THE MOST**  
6 **RECENT EDITION.**

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

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

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

13           **(3) COORDINATE WITH LOCAL SWIMMING POOL AND SPA OFFICIALS,**  
14 **THE STATE FIRE MARSHAL, AND LOCAL FIRE OFFICIALS IN COMPILING**  
15 **INFORMATION FOR THE DATABASE.**

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

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

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

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

27   **12-1207.**

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

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

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

2           **(B) THE DEPARTMENT:**

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

6                   **(2) MAY PROVIDE TRAINING FOR LOCAL SWIMMING POOL AND SPA**  
7 **OFFICIALS ON THE STANDARDS AND CERTIFY THE PARTICIPATION OF LOCAL**  
8 **SWIMMING POOL AND SPA OFFICIALS IN THE TRAINING; AND**

9                   **(3) ON REQUEST, SHALL PROVIDE A LOCAL JURISDICTION WITH**  
10 **TECHNICAL ASSISTANCE TO IMPLEMENT AND ENFORCE THE STANDARDS.**

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