

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2022

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; 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.**

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 12-1201.

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) “ADDITIONS” HAS THE MEANING STATED IN THE INTERNATIONAL
5 SWIMMING POOL AND SPA CODE.

6 (C) “ALTERATIONS” HAS THE MEANING STATED IN THE INTERNATIONAL
7 SWIMMING POOL AND SPA CODE..

8 ~~(B)~~ (D) “DEPARTMENT” MEANS THE MARYLAND DEPARTMENT OF
9 LABOR.

10 ~~(C)~~ (E) (1) “INTERNATIONAL SWIMMING POOL AND SPA CODE” MEANS
11 THE FIRST PRINTING OF THE MOST RECENT EDITION OF THE INTERNATIONAL
12 SWIMMING POOL AND SPA CODE ISSUED BY THE INTERNATIONAL CODE COUNCIL.

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

16 ~~(D)~~ (F) “LOCAL JURISDICTION” MEANS THE COUNTY OR MUNICIPAL
17 CORPORATION THAT IS RESPONSIBLE FOR IMPLEMENTATION AND ENFORCEMENT
18 OF THE STANDARDS UNDER THIS SUBTITLE.

19 (G) “REPAIRS” HAS THE MEANING STATED IN THE INTERNATIONAL
20 SWIMMING POOL AND SPA CODE.

21 ~~(E)~~ (H) “SPA” HAS THE MEANING STATED IN THE INTERNATIONAL
22 SWIMMING POOL AND SPA CODE.

23 ~~(F)~~ (I) “STANDARDS” MEANS THE MARYLAND SWIMMING POOL AND SPA
24 STANDARDS.

25 ~~(G)~~ (J) “SWIMMING POOL” HAS THE MEANING STATED IN THE
26 INTERNATIONAL SWIMMING POOL AND SPA CODE.

27 12-1202.

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

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

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

4 (3) THE MARYLAND DEPARTMENT OF HEALTH TO:

5 (I) ENFORCE THE STANDARDS FOR THE DESIGN AND
6 CONSTRUCTION, INCLUDING ADDITIONS, ALTERATIONS, OR REPAIRS, OF PUBLIC
7 SWIMMING POOLS; OR

8 (II) REGULATE THE OPERATION AND MAINTENANCE OF
9 SWIMMING POOLS AND SPAS.

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

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

16 12-1203.

17 (A) (1) (I) ~~THE~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
18 PARAGRAPH, THE DEPARTMENT SHALL ADOPT BY REGULATION, AS THE MARYLAND
19 SWIMMING POOL AND SPA STANDARDS, THE INTERNATIONAL SWIMMING POOL
20 AND SPA CODE, WITH THE MODIFICATIONS INCORPORATED BY THE DEPARTMENT
21 IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

22 (II) THE DEPARTMENT SHALL ADOPT, AS PART OF THE
23 STANDARDS, THE PROVISIONS OF THE INTERNATIONAL SWIMMING POOL AND SPA
24 CODE RELATING TO THE REQUIREMENTS FOR ADDITIONS, ALTERATIONS, AND
25 REPAIRS WITHOUT MODIFICATION.

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

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

30 ~~(1)~~ (1) REVIEW THE INTERNATIONAL SWIMMING POOL AND
31 SPA CODE TO DETERMINE WHETHER MODIFICATIONS SHOULD BE INCORPORATED
32 IN THE STANDARDS;

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

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

8 ~~(IV)~~ (4) CONSULT WITH THE MARYLAND DEPARTMENT OF
 9 HEALTH ON THE EFFECT OF THE PROPOSED CHANGES ON HEALTH AND SAFETY;

10 ~~(V)~~ (5) ACCEPT WRITTEN COMMENTS;

11 ~~(VI)~~ (6) CONSIDER ANY COMMENTS RECEIVED; AND

12 ~~(VII)~~ (7) HOLD A PUBLIC HEARING ON EACH PROPOSED
 13 MODIFICATION.

14 ~~(2) AS PART OF THE STANDARDS, THE DEPARTMENT SHALL ADOPT~~
 15 ~~WITHOUT MODIFICATION THE PROVISIONS OF THE INTERNATIONAL SWIMMING~~
 16 ~~POOL AND SPA CODE RELATING TO THE REQUIREMENTS APPLICABLE TO~~
 17 ~~ADDITIONS, ALTERATIONS, OR REPAIRS.~~

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

21 12-1204.

22 (A) A LOCAL JURISDICTION MAY ADOPT LOCAL AMENDMENTS TO THE
 23 STANDARDS IF THE LOCAL AMENDMENTS DO NOT:

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

26 (2) WEAKEN ENERGY CONSERVATION AND EFFICIENCY PROVISIONS
 27 CONTAINED IN THE STANDARDS.

28 (B) IF A LOCAL JURISDICTION ADOPTS A LOCAL AMENDMENT TO THE
 29 STANDARDS, THE STANDARDS AS AMENDED BY THE LOCAL JURISDICTION APPLY IN
 30 THE LOCAL JURISDICTION.

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

3 (D) A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT TO THE
4 STANDARDS SHALL ENSURE THAT THE LOCAL AMENDMENT IS ADOPTED IN
5 ACCORDANCE WITH APPLICABLE LOCAL LAW.

6 (E) TO KEEP THE DATABASE ESTABLISHED UNDER THIS SUBTITLE
7 CURRENT, A LOCAL JURISDICTION THAT ADOPTS A LOCAL AMENDMENT TO THE
8 STANDARDS SHALL PROVIDE A COPY OF THE LOCAL AMENDMENT TO THE
9 DEPARTMENT:

10 (1) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE
11 AMENDMENT; OR

12 (2) WITHIN 5 DAYS AFTER THE ADOPTION OF AN EMERGENCY LOCAL
13 AMENDMENT.

14 12-1205.

15 (A) (1) (I) EACH LOCAL JURISDICTION SHALL IMPLEMENT AND
16 ENFORCE THE MOST CURRENT VERSION OF THE STANDARDS AND ANY LOCAL
17 AMENDMENTS TO THE STANDARDS.

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

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

24 (I) REVIEW AND ACCEPTANCE OF APPROPRIATE PLANS;

25 (II) ISSUANCE OF ~~WORK~~ PERMITS;

26 (III) INSPECTION OF THE WORK AUTHORIZED BY THE ~~WORK~~
27 PERMITS; AND

28 (IV) ISSUANCE OF APPROPRIATE USE AND OCCUPANCY
29 CERTIFICATES.

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

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

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

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

17 **(3) A COUNTY THAT DID NOT ADOPT A SWIMMING POOL AND SPA**
18 **CODE BEFORE OCTOBER 1, 2022, SHALL IMPLEMENT AND ENFORCE THE**
19 **STANDARDS IN THE COUNTY UNLESS IT ELECTS TO NEGOTIATE WITH A MUNICIPAL**
20 **CORPORATION IN THE COUNTY TO HAVE THE MUNICIPAL CORPORATION**
21 **IMPLEMENT AND ENFORCE THE STANDARDS IN THE COUNTY.**

22 **(4) A MUNICIPAL CORPORATION THAT ADOPTED A SWIMMING POOL**
23 **AND SPA CODE BEFORE OCTOBER 1, ~~2021~~ 2022, SHALL IMPLEMENT AND ENFORCE**
24 **THE STANDARDS IN THE MUNICIPAL CORPORATION UNLESS IT ELECTS TO**
25 **NEGOTIATE WITH THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS**
26 **LOCATED TO HAVE THE COUNTY IMPLEMENT AND ENFORCE THE STANDARDS IN THE**
27 **MUNICIPAL CORPORATION.**

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

31 **12-1206.**

32 **(A) THE DEPARTMENT SHALL MAINTAIN A CENTRAL AUTOMATED**
33 **DATABASE IN ACCORDANCE WITH THIS SECTION.**

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

- 1 **(I) THE STANDARDS;**
2 **(II) LOCAL AMENDMENTS TO THE STANDARDS;**
3 **(III) THE ELECTRICAL CODE REQUIRED UNDER SUBTITLE 6 OF**
4 **THIS TITLE;**
5 **(IV) LOCAL AMENDMENTS TO THE ELECTRICAL CODE; AND**
6 **(V) INFORMATION COMPILED BY THE DEPARTMENT UNDER**
7 **PARAGRAPH (2) OF THIS SUBSECTION.**

8 **(2) THE DEPARTMENT MAY COMPILE AND INCLUDE IN THE**
9 **DATABASE:**

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

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

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

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

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

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

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

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

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

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

7 **12-1207.**

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

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

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

13 **(B) THE DEPARTMENT:**

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That~~z~~

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

30 ~~(b) This Act shall be construed to apply to any swimming pool or spa for which~~
31 ~~new construction or renovation, or a substantial and material structural change, this Act~~
32 ~~does not apply to a swimming pool or spa built and in operation before June 1, 2023, unless~~

1 there is construction or renovation that results in a substantial and material structural
2 change to the swimming pool or spa that occurs on or after ~~the effective date of this Act~~
3 June 1, 2023.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.