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The Maryland House of Delegates
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**Testimony of Delegate Dana Stein in Support of HB 303 –
Maryland Swimming Pool and Spa Standards Adoption**

Mr. Chairman and Members of the Environment and Transportation Committee,

In this committee, we have adopted a number of building standards over the years. We approved the International Energy Conservation Code, authorized adoption of the International Green Construction Code, and have made changes to the International Residential Code. These codes are all developed and updated by the International Code Council (ICC), which is the recognized source for building codes and standards.

The Code Council, in collaboration with the Pool and Hot Tub Alliance (PHTA), has also developed the International Swimming Pool and Spa Code (ISPSC), which this bill would adopt for the State. This committee and the House passed this bill last year (as HB109), and it crossed over to the Senate. Unfortunately, it ran out of time in the Senate. HB 303 establishes minimum regulations for *newly constructed* public and residential pools, spas, and hot tubs using prescriptive and performance-related provisions. The bill is not retroactive, meaning you do not have to bring existing pools and spas up to this code.

This code is needed because while most Maryland jurisdictions have some form of pool and spa regulations, the State lacks a comprehensive code that addresses design, construction, and safety of pools and spas.

This need is fundamentally about safety, especially the safety of children. According to a 2015 Maryland Department of Health report, drowning was the 2nd leading cause of death for children aged 0-4 and the third leading cause of death for children aged 5-14.

This code will enhance pool safety in many ways, including stronger residential barrier requirements and the elimination of conditions that lead to entrapment incidents. These standards are best practices that are proven to reduce drowning fatalities.

By adopting a statewide code, the State will ensure that pools and spas are governed by a uniform, consistent code, which will foster compliance for businesses and additional safety for consumers.

Note that counties will be able to amend the code to fit their needs, but the critical point is that everyone in the state will work from the same code.

Fourteen other states have taken steps to adopt this code statewide, including most of our adjoining states. Seven Maryland jurisdictions have already adopted this code, most notably Anne Arundel County, Montgomery County, and Baltimore City. And most jurisdictions in Maryland have adopted “portions” of the International Swimming Pool and Spa Code via the International Building Code and International Residential Code.

HB 303 is nearly identical to HB 109 with the exception of several clarifying, non-substantive amendments. In addition, there are two sponsor amendments before you, which simply clarify that HB 303 “only” applies to newly constructed pools and spas and not to existing pools and spas. Additionally, the amendments clarify that the requirements for additions, alterations, and repairs shall be within the scope of the code.

We have met with the local environmental health directors to alleviate their concerns and ensure they will continue to have a role in the design and construction of pools and spas. They are no longer in opposition. The Maryland Chamber of Commerce also supports this legislation, noting that it will provide “numerous benefits to citizens and business owners in the State.”