

## PHTA GR Priorities/Key Issues as of April 19

### **International Swimming Pool & Spa Code (ISPSC) Adoption:**

[Arkansas:](#) This measure creates "Alex's Law" to improve the safety of residential swimming pools and prevent child drownings by requiring owners to construct safety barriers around pools. PHTA, along with the International Code Council (ICC), engaged with the bill sponsor and regulatory agencies on this legislation. Concerns exist from regulatory agencies that the bill as written would be difficult to enforce and industry is looking to align with barrier provisions found in the International Swimming Pool & Spa Code (ISPSC). HB 1016 was amended to require distribution of pool safety pamphlets to Arkansan residents building pools or spas, and the creation a workgroup for the purpose of looking at the best way to address pool safety, including adopting the International Swimming Pool & Spa Code (ISPSC). The workgroup would require the Department of Health, PHTA, the ICC, and other stakeholders to collaborate and agree upon what ultimately be future legislation. A hearing was held on March 11<sup>th</sup> in the House Public Health, Welfare, and Labor Committee. PHTA members in Arkansas are encouraged to participate with this effort by contacting PHTA. **Status: Hearing held on 3/11/2021.**

[Arkansas:](#) House Resolution 1019 encourages residential swimming pool safety awareness to reduce preventable accidental drowning deaths of children wo are under five years of age in residential swimming pools and promotes the creation of barriers to prevent drowning deaths among children. A hearing was held on April 1<sup>st</sup> in the House Public Health, Welfare, and Labor Committee. PHTA provided written testimony in support and advocated the resolution be amended to include an interim study of the ISPSC. The House of Representatives passed HR 1019 on April 6h. **Passed the House of Representatives on 4/6/2021.**

[Maryland:](#) House Bill 109 (ISPSC state-wide adoption) was passed as amended by the full House of Delegates 94-36 and was sent to the Senate Judicial Proceedings Committee for a hearing. The Maryland State Legislature adjourned on April 12<sup>th</sup>. HB 109 died upon adjournment. **Status: Died upon adjournment on 4/12/2021.**

[Maryland:](#) The hearing for SB 254 (ISPSC Adoption), which is the cross-file of HB 109, was heard in the Senate Judicial Proceedings Committee on February 3<sup>rd</sup>. The Maryland State Legislature adjourned on April 12<sup>th</sup>. SB 254 died upon adjournment. **Status: Died upon adjournment on 4/12/2021.**

[Missouri:](#) HB 489 provides for the state-wide adoption of the ISPSC. The proposed legislation had a hearing held on 3/23 in House Special Committee on Small Business. PHTA submitted written testimony in support and PHTA Missouri members testified in support at the hearing as well as the ICC. HB 489 was passed out of the House Special Committee on Small Business on March 30<sup>th</sup> by a 14-4 vote. HB 489 will now move to the full House of Representatives. **Status: Passed the House Special Committee on Small Business on 3/30/2021.**

[Virginia:](#) The Virginia Department of Housing and Community Development has adopted an updated version of the Virginia Uniform Statewide Building Code. This updated version includes moving from the 2015 to the 2018 *International Swimming Pool and Spa Code (ISPSC)*, with state-specific amendments. The state-specific amendments to the ISPSC include additional language on shower requirements. This adoption was published in the Virginia Register of Regulations March 1, 2021 and will be effective July 1, 2021. Click on this embedded link if you would like to see the updated version in its entirety.

[Arlington City, Texas](#): On January 26, 2021, the City Council adopted the 2018 Edition of the International Swimming Pool and Spa Code (ISPSC). The ISPSC became effective 30 days after adoption (February 25, 2021).

[Glendale, Colorado](#): The City Council held a public hearing to consider the adoption of the ISPSC on February 2, 2021.

[Kerrville, Texas](#): The City Council approved the ISPSC January 26, 2021. The ISPSC went into effect on February 9, 2021.

[Rowlett, Texas](#): The City Council was scheduled to vote on the adoption of the ISPSC on February 16<sup>th</sup> but had to postpone the council meeting due to the weather.

### **Portable Electric Spas Energy Efficiency (APSP-14 Standard):**

[Arizona](#): SB 1764 sets minimum efficiency standards for certain appliances, most notably portable electric spas. The bill also requires portable electric spas to meet the APSP-14 Standard. **Status: Introduced on 2/3/2021.**

[California](#): Docket # 20-AAER-04 – rulemaking for portable electric spas is tentatively scheduled for April, 2021.

[Connecticut](#): SB 863 requires portable electric spas to meet the requirements of the APSP-14 standard. PHTA has submitted written testimony to the committee in support of SB 683. **Status: Hearing held on 2/18/2021.**

[Hawaii](#): House Bill 116 modifies the rulemaking authority of the Department of Business, Economic Development, and Tourism and Chief Energy Officer and establishes appliance efficiency standards for air purifiers and portable electric spas. Portable electric spas must meet the requirements of the American National Standard for Portable Electric Spa Energy Efficiency ANSI/APSP/ICC 14-2019. The bill is sponsored by the Chairman of the Committee. PHTA supports this legislation and submitted written testimony in support of the bill prior to the hearing.

HB 116 passed the full House of Representatives with only one vote in the negative and has officially been introduced in the Senate. The proposed legislation has been referred to the Senate Energy and Economic Development Committee; Senate Commerce and Consumer Protection Committee; and Senate Ways and Means Committee. **Status: Passed the House of Representatives on 3/4/2021.**

[Illinois](#): HB 2555 establishes appliance efficiency standards for certain appliances including portable electric spas. Portable electric spas must meet the requirements of the American National Standard for Portable Electric Spa Energy Efficiency ANSI/APSP/ICC 14-2019. **Status: introduced.**

[Maine](#): LD 940 the sale of any of the following new products that would be prohibited from sale in California under the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, as those regulations were in effect on January 1, 2021 and as amended on December 9, 2020: (1) Computers and computer monitors; (2) General service lamps; (3) Commercial hot food holding cabinets; (4) Showerheads, lavatory, kitchen, or metering faucets, and kitchen and lavatory replacement aerators; (5) Water closets and urinals; (6) Portable electric spas; (7) Spray sprinkler bodies; and (8) Water dispensers.

PHTA engaged with the sponsor to advocate amending the bill to adopt the latest APSP-14 standard for energy efficiency of portable electric spas. PHTA has been in contact with the sponsor and is working on amendments that will model the current standards in California. Because California is currently revising rules to align with the APSP 14 standard, it is advised that the state of Maine adopt this standard in 2022. **Status: Hearing held on 3/29/2021.**

[Maryland:](#) The Maryland Energy Administration (MEA) introduced legislation that would adopt regulations establishing certain efficiency standards for certain products and appliances. At the request of PHTA, amendments were added that would adopt the latest APSP-14 standard for energy efficiency of portable electric spas. PHTA provided written and oral testimony in support of the amendments. Senate Bill 418 passed the full Senate 47-0 as amended. A hearing was held on April 1<sup>st</sup> in the House Economic Matters Committee for a hearing. PHTA provided written and verbal testimony in support. The Maryland State Legislature adjourned on April 12<sup>th</sup>. SB 418 died upon adjournment. **Status: Died upon adjournment on 4/12/2021.**

[Massachusetts:](#) This climate policy measure added definitions and product requirements to the Massachusetts Appliance Efficiency Standards Act from another piece of legislation, which included adopting the latest APSP 14 portable spa energy efficiency standard. The Governor vetoed this legislation (S. 2995) at the end of the 2020 legislative session stating that he did not have sufficient time to review the omnibus measure and return it with amendments and suggestions by the adjournment of the legislative session on January 5, 2021.

This legislation was re-filed in its original form as S. 9 at the start of the 2021 legislative session. S. 9 sailed through the legislature to Governor Baker's desk. Although it includes the APSP-14 Standard requirements for portable electric spas, which PHTA supports on behalf of our hot tub segment, it also puts in place policies that would make it more difficult to use natural or propane gas, which could negatively affect our members who manufacturer or install pool, spa, or other features that use gas heating. PHTA sent a letter to Governor Baker advocating to keep the APSP-14 Standard for portable electric spas but veto provisions that negatively affect the use of natural or propane gas. Governor Baker returned S. 9 back to the legislature with suggested amendments. The Senate adopted Governor Baker's amendment and passed S. 9 sending the proposed legislation to the House. The House passed S.9 with amendments and sent the bill back to Governor Baker. Governor Baker signed the bill. **Status: signed by Governor Charlie Baker on 3/26/2021.**

[Massachusetts:](#) SD 2057 adds definitions and product requirements to the Massachusetts Appliance Efficiency Standards Act and would adopt the APSP-14 Standard for portable electric spas. **Status: introduced.**

[New Jersey:](#) This measure sets up-to-date efficiency standards for certain residential and commercial products based on ENERGY STAR and Water Sense specifications and prohibits individuals from selling or leasing certain products unless they meet the efficiency standards. A hearing was held on February 24<sup>th</sup> in the Assembly (House) Telecommunications and Utilities Committee. The Committee added technical amendments and voted favorably. PHTA provided written and oral testimony in support of this legislation to the Assembly Telecommunications and Utilities Committee prior to the hearing. **Status: Approved with amendments by the Assembly Telecommunications Committee on 2/24/2021.**

[New Jersey:](#) This measure sets up-to-date efficiency standards for certain residential and commercial products based on ENERGY STAR and Water Sense specifications and prohibits individuals from selling or leasing certain products unless they meet the efficiency standards. A hearing was held on March 4<sup>th</sup>

in the Senate Environment and Energy Committee. PHTA provided written and oral testimony in support of this legislation. **Status: A hearing was held on 3/4/2021.**

[Nevada:](#) AB 383 requires the Director of the Office of Energy to adopt minimum efficiency standards for appliances. The measure establishes a timeline for compliance and provides definitions. In addition, the bill requires portable electric spas to meet the ANSI/APSP/ICC-14 requirements. A hearing was held on March 30<sup>th</sup> in the Assembly Growth and Infrastructure Committee. PHTA provided written testimony in support. The committee passed AB 383 on April 9<sup>th</sup>. **Status: Passed out of the Assembly Growth and Infrastructure Committee on 4/9/2021.**

[North Carolina:](#) SB 556 establishes appliance efficiency standards and prohibits such appliances from being sold or installed unless they meet such standards. Additionally, portable electric spas must meet the ANSI/APSP/ICC-14 requirements. **Status: Introduced.**

[Oregon:](#) The hearing for House Bill 2062 was heard in the House Energy and Environment Committee on March 1<sup>st</sup>. HB 2062 would establish energy efficiency standards for high color-rendering index fluorescent lamps, portable electric spas, computers, computer monitors, and electric storage water heaters used by the citizens of Oregon. PHTA provided written and oral testimony in support. HB 2062 passed out of the House of Representatives on April 7<sup>th</sup> and has been referred to the Senate Energy and Environment Committee. **Status: Passed out of the House of Representatives on 4/7/2021.**

**\*Note** – the standards for portable electric spas proposed by HB 2062 were submitted through the rulemaking process on August 28, 2020, by the Oregon Department of Energy. The rule changes will become effective on September 1, 2021.

[Rhode Island:](#) HB 5966 imposes new energy and conservation standards for appliances and consumer electronics and requires portable electric spas to meet the ANSI/APSP/ICC-14 requirements. A hearing was held in the House Environment and Natural Resources Committee on 3/18. PHTA provided written testimony in support. **Status: A hearing was held on 3/18/2021.**

[Rhode Island:](#) SB 339 revises minimum energy and water efficiency standards for appliances and equipment and requires portable electric spas to meet the ANSI/APSP/ICC-14 requirements. **Status: Introduced.**

### **Pool Pump, Motor or Heater Energy Efficiency Standards:**

[Connecticut:](#) SB 863 establishes new efficiency standards for appliances and products in the state and provides the definitions for such products. SB 683 requires residential pool pumps and pool heaters to meet federal requirements. **Status: Hearing Scheduled for 2/18/2021.**

### **Licensing/Certification/Training:**

[Massachusetts:](#) HB 424 (HD 1210) was sponsored by PHTA in the previous legislative session and ran out of time before the legislature adjourned. HB 424 requires the Board of Building Regulations to adopt a swimming pool construction and installation work license and a swimming pool maintenance, service, and repair work license. This measure imposes a fine on unlicensed persons who engage in work that requires a license, advertises themselves as licensed when they are not, or engage in work after the expiration of their license. PHTA met with the bill sponsor on April 5<sup>th</sup> in preparation for the

upcoming hearing when it is scheduled. HB 424 has been assigned to the Joint Committee on Consumer Protection and Professional Licensure. **Status: Introduced on 2/3/2021.**

Montana: Senate Bill 152 would allow the Department of Public Health and Human Services to adopt rules relating to the licensing of operators of public swimming pools and bathing places. The measure would allow the Department's rules to allow for CPR training, pool operator certification, and lifeguarding training to be conducted in person, online, or other virtual methods. Historically, Montana has resisted online CPO training. PHTA is actively seeking to engage with the sponsor to offer supporting testimony. PHTA supports this legislation and provided written testimony in advance of the Senate hearing.

Senate Bill 152 was passed out of the Senate Business, Labor, and Economic Affairs Committee on February 11<sup>th</sup> with amendments. The amendments eliminate online training for lifeguarding but maintains CPO online training. SB 152 passed the full Senate on February 18<sup>th</sup>. A hearing was held in the House Business and Labor Committee on March 10<sup>th</sup>. PHTA provided written and oral testimony for the hearing. The committee passed SB 152 and passed the full house on March 18<sup>th</sup>. SB 152 was signed into law by Governor Gianforte on April 8<sup>th</sup> and will go into effect on October 1, 2021. **Status: signed by Governor Gianforte on 4/8/2021.**

#### **Swimming Pool & Hot Tub Safety and Education:**

Arkansas: HB 1004 amends the criminal code, modifying the restriction on access to water parks. Current law prohibits a person that is required to register under the Sex Offender Registration Act and has been assessed as a Level 3 or 4 offender from entering a water park owned or operated by a local government. The measure would modify the definition of "water park" to mean a recreational aquatic facility that has among its features a swimming pool, wave pool, splash pad, water slide, water feature, or other area dedicated to aquatic activities and is open to the general public. HB 1004 passed the full house and Senate and was signed into law by Governor Hutchinson on March 23rd. **Status: Signed into law by Governor Hutchinson on 3/23/2021.**

California: AB 441 would require wave basins to meet the ASTM International standard and operate in accordance with water safety programs that include specialized water safety personnel, training, procedures, and equipment. PHTA is actively engaged with the bill sponsor and stakeholders to craft amendments. **Status: A second hearing was held on 4/21/2021.**

California: SB 736 amends the Business and Professions Code and the Health and Safety Code, adding provisions relating to inspections of homes with swimming pools and adding requirements for building permits for swimming pools. Home inspections must include an evaluation of the pool or spa to see if any drowning prevention safety features are installed, to determine the condition of any safety features that are present, and to determine whether any installed safety features are approved by ASTM International or meet the requirements in the Health and Safety Code. **Status: Introduced on 2/19/2021.**

Kentucky: HB 46 "Ava Grace Jenkins Law" to require residential swimming pools to have a safety barrier and establish penalties for non-compliance. The proposed legislation was passed out of the House Veterans, Military Affairs, and Public Protection Committee and assigned to the House Appropriations and Revenue Committee. PHTA contacted the sponsor of HB 46 and submitted amendments to the bill that would align barriers and pool covers reference in the bill with the ISPSC code. The sponsor

appreciated the collaborative effort but admitted HB 46 will fail to pass the legislature with the session coming to an end in March. PHTA and the sponsor have agreed to meet over the interim to discuss refiling for 2022, discuss the ISPSC adoption in Kentucky, and possibly establish a workgroup via legislation for the purpose of studying the feasibility of the ISPSC in Kentucky. The Kentucky Legislature adjourned on March 30<sup>th</sup>. HB 46 died upon adjournment. **Status: Died upon adjournment on 3/30/2021.**

[New Hampshire:](#) This measure requires pools on foreclosed properties to be covered or have a net. A hearing was held on January 26, 2021 for HB 166 before the House Commerce and Consumer Affairs Committee. PHTA has made numerous attempts to contact the sponsor to discuss potential amendments that would reference the ASTM Standard. **Status: Hearing held on 1/26/2021.**

[New York:](#) Senate Bill 959 would allocate funds for swimming education in a public school. The commissioner would establish a working group who will carry out the study. The report must be submitted to the legislature and include their findings and recommendations reporting on swimming education in a public school. PHTA supports this legislation and is actively attempting to be amended into the bill as a member of the workgroup that would be established. **Status: Introduced on 1/5/2021.**

[Texas:](#) HB 67 prevents property owners' associations from adopting or enforcing provisions in dedicatory instruments that prohibit or restrict property owners from installing on their property a swimming pool enclosure that conforms to applicable state or local safety requirements. A hearing was held on March 23<sup>rd</sup> in the House Business and Industry Committee and passed out of committee on March 30<sup>th</sup>. **Status: Passed out of the House Business and Industry Committee on 3/30/2021.**

#### **Decarbonization:**

[Nevada:](#) A hearing was held on April 6<sup>th</sup> for AB 380 which establishes a goal of statewide reductions in net greenhouse gas emissions, requires a gas utility to submit alternatives plans, and examines the role of gas utilities in assisting the State in achieving greenhouse gas emission reduction. PHTA raised awareness via social media and provided written testimony in opposition. AB 380 received an unfavorable report by the Assembly Growth and Infrastructure Committee on April 9<sup>th</sup>. **Status: Unfavorable report by the Assembly Growth and Infrastructure Committee on 4/9/2021.**

[Texas:](#) HB 1501 restricts laws or a local government entity from prohibiting the use of natural gas or propane by a utility company. **Status: Introduced on 3/8/2021.**

#### **Prop 65:**

[California:](#) California Proposition 65 (Regulation ID CA62818), would limit use of the short-form version of the safe harbor warning, was published in the California Register. PHTA and CPSA signed onto coalitions letters submitted by the National Association of Manufacturers and the California Chamber of Commerce in opposition to the proposed rules. Comments were due 3/29/2021. Staff will review the rule and any comments received.

#### **Other Areas:**

[Maryland:](#) The Maryland Health Department convened a stakeholder meeting to discuss potential regulations involving splash pads, equipment room, and suction entrapment. PHTA participated and will

continue to engage, recognizing that the legislation to adopt the ISPSC most likely will also coincide with any proposed rule changes.

[Pennsylvania:](#) There are plans to reintroduce legislation on legionella (SB 1285, 2020) for the 2021 session. An Act providing for legionnaire's disease prevention and reporting and imposing duties on the Department of Environmental Protection and the Department of Health. The embedded link provides the text for SB 1285, 2020. **Status: Legislation has yet to be filed.**

[Texas:](#) House Bill 2205 requires the Department of Health to adopt a version of the ISPSC, that is not older than the state-wide version in effect on May 1, 2019, by reference. A hearing was held on 3/23 in the House Urban Affairs Committee. PHTA provided written testimony in support. Rick Hagen, Chairman of the TPSC also provided oral testimony in support. The House Urban Affairs Committee passed HB 2205 and was referred to the House Committee on Calendars. **Status: Passed the House Urban Affairs Committee on 3/31/2021.**