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H.B. 178
134th General Assembly

Final Analysis

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Primary Sponsors: Reps. Schmidt and A. Miller

Effective date: April 3, 2023

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UPDATED VERSION*

SUMMARY

- Limits the pressure of water features at public swimming pools, public spas, and special use pools.
- Names the act Makenna's Law.

DETAILED ANALYSIS

Pressure of swimming pool and spa water features

H.B. 178 limits the pressure of water features included in public swimming pools, public spas, and special use pools. It requires the flow rate through a nozzle of a water feature, including a fountain or other interactive feature, to be at a rate that does not harm patrons. The act prohibits the rate from exceeding 20 feet per second, unless justified by the design engineer and fountain system manufacturer.¹

Owner responsibilities

The act requires the owner of a public swimming pool, public spa, or special use pool to ensure that the pool's or spa's flow rate is not at a rate that harms patrons or exceeds 20 feet per second.²

* This version updates the effective date.

¹ R.C. 3749.08(A).

² R.C. 3749.08(B).

Director of Health approval

Continuing law prohibits the construction, installation, or renovation of a public swimming pool, public spa, or special use pool until plans for the pool or spa have been submitted to the Director of Health for approval.³ The act prohibits the Director from approving a plan that does not satisfy the flow rate requirements established by its provisions.⁴

Definitions

The act maintains the following continuing law definitions:⁵

- **“Public swimming pool”** means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use.
- **“Public spa”** means any public swimming pool that is typically operated as a smaller, higher temperature pool for recreational or nonmedical uses.
- **“Special use pool”** means a public swimming pool containing flume slides, wave generating equipment, or other special features that necessitate different design and safety requirements.

HISTORY

Action	Date
Introduced	03-04-21
Reported, H. Health	10-13-21
Passed House (87-8)	10-13-21
Reported, S. General Gov't Budget	04-05-22
Passed Senate (31-0)	12-13-22

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³ R.C. 3749.03(A).

⁴ R.C. 3749.03(F).

⁵ R.C. 3749.01(G), (H), and (I), not in the act.