
A BILL FOR AN ACT

RELATING TO POOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 321-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§321-11 Subjects of health rules, generally.** The
4 department of health pursuant to chapter 91 may adopt rules that
5 it deems necessary for the public health and safety respecting:

6 (1) Nuisances, foul or noxious odors, gases, vapors,
7 waters in which mosquitoes breed or may breed, sources
8 of filth, and causes of sickness or disease, within
9 the respective districts of the State, and on board
10 any vessel;

11 (2) Adulteration and misbranding of food or drugs;

12 (3) Location, air space, ventilation, sanitation,
13 drainage, sewage disposal, and other health conditions
14 of buildings[]; courts[]; construction projects[];
15 excavations[]; pools, including swimming pools;
16 watercourses[]; areas[]; and alleys;

17 (4) Privy vaults and cesspools;



- 1 (5) Fish and fishing;
- 2 (6) Interments and dead bodies;
- 3 (7) Disinterments of dead human bodies, including the
- 4 exposing, disturbing, or removing of these bodies from
- 5 their place of burial, or the opening, removing, or
- 6 disturbing after due interment of any receptacle,
- 7 coffin, or container holding human remains or a dead
- 8 human body or a part thereof and the issuance and
- 9 terms of permits for the aforesaid disinterments of
- 10 dead human bodies;
- 11 (8) Cemeteries and burying grounds;
- 12 (9) Laundries, and the laundering, sanitation, and
- 13 sterilization of articles including linen and uniforms
- 14 used by or in the following businesses and
- 15 professions: barber shops, manicure shops, beauty
- 16 parlors, electrology shops, restaurants, soda
- 17 fountains, hotels, rooming and boarding houses,
- 18 bakeries, butcher shops, public bathhouses, midwives,
- 19 masseurs, and others in similar calling, public or
- 20 private hospitals, and canneries and bottling works
- 21 where foods or beverages are canned or bottled for



1 public consumption or sale; provided that nothing in
2 this chapter shall be construed as authorizing the
3 prohibiting of laundering, sanitation, and
4 sterilization by those conducting any of these
5 businesses or professions where the laundering or
6 sterilization is done in an efficient and sanitary
7 manner;

8 (10) Hospitals, freestanding surgical outpatient
9 facilities, skilled nursing facilities, intermediate
10 care facilities, adult residential care homes, adult
11 foster homes, assisted living facilities, special
12 treatment facilities and programs, home health
13 agencies, home care agencies, hospices, freestanding
14 birthing facilities, adult day health centers,
15 independent group residences, and therapeutic living
16 programs, but excluding youth shelter facilities
17 unless clinical treatment of mental, emotional, or
18 physical disease or handicap is a part of the routine
19 program or constitutes the main purpose of the
20 facility, as defined in section 346-16 under "child
21 [f]caring[f] institution". For the purpose of this



- 1 paragraph, "adult foster home" has the same meaning as
2 provided in section 321-11.2;
- 3 (11) Hotels, rooming houses, lodging houses, apartment
4 houses, tenements, and residences for persons with
5 developmental disabilities including those built under
6 federal funding;
- 7 (12) Laboratories;
- 8 (13) Any place or building where noisome or noxious trades
9 or manufacturing is carried on, or intended to be
10 carried on;
- 11 (14) Milk;
- 12 (15) Poisons and hazardous substances, the latter term
13 including any substance or mixture of substances that:
- 14 (A) Is corrosive;
- 15 (B) Is an irritant;
- 16 (C) Is a strong sensitizer;
- 17 (D) Is inflammable; or
- 18 (E) Generates pressure through decomposition, heat,
19 or other means,
- 20 if the substance or mixture of substances may cause
21 substantial personal injury or substantial illness



- 1 during or as a proximate result of any customary or
2 reasonably foreseeable handling or use, including
3 reasonably foreseeable ingestion by children;
- 4 (16) Pig and duck ranches;
- 5 (17) Places of business, industry, employment, and
6 commerce, and the processes, materials, tools,
7 machinery, and methods of work done therein; and
8 places of public gathering, recreation, or
9 entertainment;
- 10 (18) Any restaurant, theater, market, stand, shop, store,
11 factory, building, wagon, vehicle, or place where any
12 food, drug, or cosmetic is manufactured, compounded,
13 processed, extracted, prepared, stored, distributed,
14 sold, offered for sale, or offered for human
15 consumption or use;
- 16 (19) Foods, drugs, and cosmetics, and the manufacture,
17 compounding, processing, extracting, preparing,
18 storing, selling, and offering for sale, consumption,
19 or use of any food, drug, or cosmetic;
- 20 (20) [{}Device[{}]] as defined in section 328-1;
- 21 (21) Sources of ionizing radiation;



- 1 (22) Medical examination, vaccination, revaccination, and
2 immunization of school children. No child shall be
3 subjected to medical examination, vaccination,
4 revaccination, or immunization, whose parent or
5 guardian objects in writing thereto on grounds that
6 the requirements are not in accordance with the
7 religious tenets of an established church of which the
8 parent or guardian is a member or adherent, but no
9 objection shall be recognized when, in the opinion of
10 the department, there is danger of an epidemic from
11 any communicable disease;
- 12 (23) Disinsectization of aircraft entering or within the
13 State as may be necessary to prevent the introduction,
14 transmission, or spread of disease or the introduction
15 or spread of any insect or other vector of
16 significance to health;
- 17 (24) Fumigation, including the process by which substances
18 emit or liberate gases, fumes, or vapors that may be
19 used for the destruction or control of insects,
20 vermin, rodents, or other pests, which, in the opinion



1 of the department, may be lethal, poisonous, noxious,
2 or dangerous to human life;

3 (25) Ambulances and ambulance equipment;

4 (26) Development, review, approval, or disapproval of
5 management plans submitted pursuant to the Asbestos
6 Hazard Emergency Response Act of 1986, Public
7 Law 99-519; and

8 (27) Development, review, approval, or disapproval of an
9 accreditation program for specially trained persons
10 pursuant to the Residential Lead-Based Paint Hazard
11 Reduction Act of 1992, Public Law 102-550.

12 The department of health may require any certificates,
13 permits, or licenses that it may deem necessary to adequately
14 regulate the conditions or businesses referred to in this
15 section."

16 SECTION 2. Section 321-15.1, Hawaii Revised Statutes, is
17 amended by adding a new definition to be appropriately inserted
18 and to read as follows:

19 "Swimming pool" means any publicly or privately owned
20 artificial enclosure, structure, basin, chamber, or tank,
21 constructed of reinforced concrete or other materials approved



1 by the department of health that are impervious and provide a
2 watertight structure, containing an artificial body of water
3 that is used for swimming, diving, or recreational bathing or
4 therapy by humans."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2060.



H.B. NO. 104 H.D. 1

Report Title:

Swimming Pools; Artificial Water Bodies; Recreational Bathing;
Recreational Therapy

Description:

Defines "swimming pool" for the purposes of administrative rules to mean impervious, artificial bodies of water used for swimming, diving, or recreational bathing or therapy. Effective 7/1/2060. (HD1)

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