
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, watercourses, areas, and
16 alleys[+]. For purposes of this paragraph, "pool"
17 means a watertight artificial structure containing a



1 body of water that does not exchange water with any
2 other body of water, either naturally or mechanically,
3 and is used for swimming, diving, recreational
4 bathing, or therapy by humans;

5 (4) Privy vaults and cesspools;

6 (5) Fish and fishing;

7 (6) Interments and dead bodies;

8 (7) Disinterments of dead human bodies, including the
9 exposing, disturbing, or removing of these bodies from
10 their place of burial, or the opening, removing, or
11 disturbing after due interment of any receptacle,
12 coffin, or container holding human remains or a dead
13 human body or a part thereof and the issuance and
14 terms of permits for the aforesaid disinterments of
15 dead human bodies;

16 (8) Cemeteries and burying grounds;

17 (9) Laundries, and the laundering, sanitation, and
18 sterilization of articles including linen and uniforms
19 used by or in the following businesses and
20 professions: barber shops, manicure shops, beauty
21 parlors, electrology shops, restaurants, soda



1 fountains, hotels, rooming and boarding houses,
2 bakeries, butcher shops, public bathhouses, midwives,
3 masseurs, and others in similar calling, public or
4 private hospitals, and canneries and bottling works
5 where foods or beverages are canned or bottled for
6 public consumption or sale; provided that nothing in
7 this chapter shall be construed as authorizing the
8 prohibiting of laundering, sanitation, and
9 sterilization by those conducting any of these
10 businesses or professions where the laundering or
11 sterilization is done in an efficient and sanitary
12 manner;

13 (10) Hospitals, freestanding surgical outpatient
14 facilities, skilled nursing facilities, intermediate
15 care facilities, adult residential care homes, adult
16 foster homes, assisted living facilities, special
17 treatment facilities and programs, home health
18 agencies, home care agencies, hospices, freestanding
19 birthing facilities, adult day health centers,
20 independent group residences, and therapeutic living
21 programs, but excluding youth shelter facilities



1 unless clinical treatment of mental, emotional, or
2 physical disease or handicap is a part of the routine
3 program or constitutes the main purpose of the
4 facility, as defined in section 346-16 under "child
5 [†]caring[†] institution". For the purpose of this
6 paragraph, "adult foster home" has the same meaning as
7 provided in section 321-11.2;

8 (11) Hotels, rooming houses, lodging houses, apartment
9 houses, tenements, and residences for persons with
10 developmental disabilities including those built under
11 federal funding;

12 (12) Laboratories;

13 (13) Any place or building where noisome or noxious trades
14 or manufacturing is carried on, or intended to be
15 carried on;

16 (14) Milk;

17 (15) Poisons and hazardous substances, the latter term
18 including any substance or mixture of substances that:

19 (A) Is corrosive;

20 (B) Is an irritant;

21 (C) Is a strong sensitizer;



- 1 (D) Is inflammable; or
- 2 (E) Generates pressure through decomposition, heat,
- 3 or other means,
- 4 if the substance or mixture of substances may cause
- 5 substantial personal injury or substantial illness
- 6 during or as a proximate result of any customary or
- 7 reasonably foreseeable handling or use, including
- 8 reasonably foreseeable ingestion by children;
- 9 (16) Pig and duck ranches;
- 10 (17) Places of business, industry, employment, and
- 11 commerce, and the processes, materials, tools,
- 12 machinery, and methods of work done therein; and
- 13 places of public gathering, recreation, or
- 14 entertainment;
- 15 (18) Any restaurant, theater, market, stand, shop, store,
- 16 factory, building, wagon, vehicle, or place where any
- 17 food, drug, or cosmetic is manufactured, compounded,
- 18 processed, extracted, prepared, stored, distributed,
- 19 sold, offered for sale, or offered for human
- 20 consumption or use;



- 1 (19) Foods, drugs, and cosmetics, and the manufacture,
2 compounding, processing, extracting, preparing,
3 storing, selling, and offering for sale, consumption,
4 or use of any food, drug, or cosmetic;
- 5 (20) [†]Device[†] as defined in section 328-1;
- 6 (21) Sources of ionizing radiation;
- 7 (22) Medical examination, vaccination, revaccination, and
8 immunization of school children. No child shall be
9 subjected to medical examination, vaccination,
10 revaccination, or immunization, whose parent or
11 guardian objects in writing thereto on grounds that
12 the requirements are not in accordance with the
13 religious tenets of an established church of which the
14 parent or guardian is a member or adherent, but no
15 objection shall be recognized when, in the opinion of
16 the department, there is danger of an epidemic from
17 any communicable disease;
- 18 (23) Disinsectization of aircraft entering or within the
19 State as may be necessary to prevent the introduction,
20 transmission, or spread of disease or the introduction



- 1 or spread of any insect or other vector of
2 significance to health;
- 3 (24) Fumigation, including the process by which substances
4 emit or liberate gases, fumes, or vapors that may be
5 used for the destruction or control of insects,
6 vermin, rodents, or other pests, which, in the opinion
7 of the department, may be lethal, poisonous, noxious,
8 or dangerous to human life;
- 9 (25) Ambulances and ambulance equipment;
- 10 (26) Development, review, approval, or disapproval of
11 management plans submitted pursuant to the Asbestos
12 Hazard Emergency Response Act of 1986, Public Law 99-
13 519; and
- 14 (27) Development, review, approval, or disapproval of an
15 accreditation program for specially trained persons
16 pursuant to the Residential Lead-Based Paint Hazard
17 Reduction Act of 1992, Public Law 102-550.

18 The department of health may require any certificates,
19 permits, or licenses that it may deem necessary to adequately
20 regulate the conditions or businesses referred to in this
21 section."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Swimming Pools; Health

Description:

For purposes of the Department of Health's authority to adopt rules concerning public health and safety, defines "pool" to mean a watertight artificial structure containing a body of water that does not exchange water with any other body of water either naturally or mechanically used for swimming, diving, recreational bathing, or therapy by humans. (SD1)

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