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# 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 the purpose 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  
13 99-519; 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. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

