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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3653**

March 3, 2008

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health; changing provisions governing the operation of public
1.3 pools, spas, and swimming pools; amending Minnesota Statutes 2006, section
1.4 144.1222, subdivision 1a, by adding subdivisions.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 144.1222, subdivision 1a, is amended to
1.7 read:

1.8 Subd. 1a. **Fees.** All plans and specifications for public swimming pool and spa
1.9 construction, installation, or alteration or requests for a variance that are submitted to the
1.10 commissioner according to Minnesota Rules, part 4717.3975, shall be accompanied by the
1.11 appropriate fees. All public pool construction plans submitted for review after January 1,
1.12 2009, must be certified by a professional engineer registered in the state of Minnesota.

1.13 If the commissioner determines, upon review of the plans, that inadequate fees were
1.14 paid, the necessary additional fees shall be paid before plan approval. For purposes of
1.15 determining fees, a project is defined as a proposal to construct or install a public pool,
1.16 spa, special purpose pool, or wading pool and all associated water treatment equipment
1.17 and drains, gutters, decks, water recreation features, spray pads, and those design and
1.18 safety features that are within five feet of any pool or spa. The commissioner shall charge
1.19 the following fees for plan review and inspection of public pools and spas and for requests
1.20 for variance from the public pool and spa rules:

- 1.21 (1) each spa pool, \$500;
- 1.22 (2) projects valued at \$250,000 or less, a minimum of \$800 per pool plus:
 - 1.23 (i) for each slide, an additional \$400; and
 - 1.24 (ii) for each spa pool, an additional \$500;

2.1 (3) projects valued at \$250,000 or more, 0.5 percent of documented estimated
2.2 project cost to a maximum fee of \$10,000;

2.3 (4) alterations to an existing pool without changing the size or configuration of
2.4 the pool, \$400;

2.5 (5) removal or replacement of pool disinfection equipment only, \$75; and

2.6 (6) request for variance from the public pool and spa rules, \$500.

2.7 Sec. 2. Minnesota Statutes 2006, section 144.1222, is amended by adding a subdivision
2.8 to read:

2.9 Subd. 1b. **Unblockable drain.** "Unblockable drain" means a drain of any size and
2.10 shape that a human body cannot sufficiently block to create a suction entrapment hazard.

2.11 Sec. 3. Minnesota Statutes 2006, section 144.1222, is amended by adding a subdivision
2.12 to read:

2.13 Subd. 1c. **Public pool construction.** All public pools constructed after December
2.14 19, 2008, must contain a combination of two or more main drains, or drain covers meeting
2.15 ASME/ANSI standards, connected in parallel, per suction pump.

2.16 Sec. 4. Minnesota Statutes 2006, section 144.1222, is amended by adding a subdivision
2.17 to read:

2.18 Subd. 1d. **Public pools; required equipment.** (a) Beginning December 19, 2008,
2.19 all pools with the deepest water being less than four feet deep must meet the requirements
2.20 in this subdivision:

2.21 (1) Each public pool and spa must be equipped with anti-entrapment devices or
2.22 systems that comply with ASME/ANSI performance standard A112.19.8, or any successor
2.23 standard.

2.24 (2) Each public pool and spa with a single main drain, other than an unblockable
2.25 drain, must be equipped, at a minimum, with one or more of the devices listed in items (i)
2.26 to (vi) or with systems designed to prevent entrapment by pool or spa drains that meet the
2.27 requirements of paragraph (b):

2.28 (i) a safety vacuum release system that ceases operation of the pump, reverses
2.29 the circulation flow, or otherwise provides a vacuum release at a suction outlet when a
2.30 blockage is detected, that has been tested by an independent third party and found to
2.31 conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387;

2.32 (ii) a suction-limiting vent system with a tamper-resistant atmospheric opening;

2.33 (iii) a gravity drainage system that utilizes a collector tank;

- 3.1 (iv) an automatic pump shut-off system;
- 3.2 (v) a device or system that disables the drain; and
- 3.3 (vi) any other system determined by the commissioner to be equally effective as,
- 3.4 or better than, the systems listed in this paragraph at preventing or eliminating the risk
- 3.5 of injury or death associated with pool drainage systems.
- 3.6 (b) Any device or system described in paragraph (a) must meet the requirements of
- 3.7 any ASME/ANSI or ASTM performance standard if there is a standard for a device or
- 3.8 system, or any applicable consumer product safety standard.
- 3.9 (c) All other existing pools must comply with this subdivision no later than
- 3.10 December 19, 2009.