

1 AMENDMENT TO HOUSE BILL 1551

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1551 by  
3 replacing the title with the following:

4 "AN ACT concerning public health and safety."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 5. The Swimming Pool and Bathing Beach Act is  
8 amended by changing Sections 1, 2, 3, 3.01, 4, 5, 6, 7, 8, 9,  
9 10, 12, 13, 21, 21.1, 23, and 27 and by adding Sections 3.10,  
10 3.11, and 3.12 as follows:

11 (210 ILCS 125/1) (from Ch. 111 1/2, par. 1201)

12 Sec. 1. Short title. This Act shall be known and may be  
13 cited as the Swimming Facility ~~Pool-and-Bathing-Beach~~ Act.

14 (Source: P.A. 78-1149.)

15 (210 ILCS 125/2) (from Ch. 111 1/2, par. 1202)

16 Sec. 2. Legislative purpose. It is found that there  
17 exists, and may in the future exist, within the State of  
18 Illinois public swimming pools, spas, water slides, and  
19 public bathing beaches, and other aquatic features which are  
20 substandard in one or more important features of safety,

1 cleanliness or sanitation. Such conditions adversely affect  
2 the public health, safety and general welfare of persons.

3 Therefore, the purpose of this Act is to protect, promote  
4 and preserve the public health, safety and general welfare by  
5 providing for the establishment and enforcement of minimum  
6 standards for safety, cleanliness and general sanitation for  
7 all swimming pools, spas, water slides, and public bathing  
8 beaches, and other aquatic features now in existence or  
9 hereafter constructed, ~~or~~ developed, or altered and to  
10 provide for inspection and licensing of all such facilities.  
11 (Source: P.A. 78-1149.)

12 (210 ILCS 125/3) (from Ch. 111 1/2, par. 1203)

13 Sec. 3. Definitions. As used in this Act, unless the  
14 context otherwise requires, the terms specified in Sections  
15 3.01 through 3.12 ~~3-09~~ have the meanings ascribed to them in  
16 those Sections.  
17 (Source: P.A. 78-1149.)

18 (210 ILCS 125/3.01) (from Ch. 111 1/2, par. 1203.01)

19 Sec. 3.01. Swimming pool. "Swimming Pool" means any  
20 artificial basin of water which is modified, improved,  
21 constructed or installed for the purpose of public swimming,  
22 wading, floating, or diving, and includes: pools for  
23 community use, pools at apartments, condominiums, and other  
24 groups or associations having 5 or more living units, clubs,  
25 churches, camps, schools, institutions, Y.M.C.A.'s,  
26 Y.W.C.A.'s, parks, recreational areas, motels, hotels and  
27 other commercial establishments. It does not include pools at  
28 private residences intended only for the use of the owner and  
29 guests.  
30 (Source: P.A. 86-595.)

31 (210 ILCS 125/3.10 new)

1       Sec. 3.10. Spa. "Spa" means a basin of water designed for  
 2 recreational or therapeutic use that is not drained, cleaned,  
 3 or refilled for each user. It may include hydrojet  
 4 circulation, hot water, cold water mineral bath, air  
 5 induction bubbles, or some combination thereof. It includes  
 6 "therapeutic pools", "hydrotherapy pools", "whirlpools", "hot  
 7 spas", and "hot tubs". It does not include these facilities  
 8 at individual residences intended for use by the occupant and  
 9 his or her guests.

10       (210 ILCS 125/3.11 new)

11       Sec. 3.11. Water slide. "Water slide" means a ride with a  
 12 flow of water and having a flume exceeding 30 feet in length.

13       (210 ILCS 125/3.12 new)

14       Sec. 3.12. Swimming facility. "Swimming Facility" means a  
 15 swimming pool, spa, public bathing beach, water slide, lazy  
 16 river, or other similar aquatic feature.

17       (210 ILCS 125/4) (from Ch. 111 1/2, par. 1204)

18       Sec. 4. License to operate. After May January 1, 2002  
 19 1974, it shall be unlawful for any person to open, establish,  
 20 maintain or operate a swimming pool, water slide, or bathing  
 21 beach within this State without first obtaining a license  
 22 therefor from the Department. After May 1, 2003, it shall be  
 23 unlawful for any person to open, establish, maintain, or  
 24 operate a spa within this State without first obtaining a  
 25 license from the Department. Licenses for bathing-beaches-and  
 26 outdoor swimming facilities ~~poels~~ shall expire May 1, next  
 27 following the swimming season for which the license was  
 28 issued ~~and-licenses-for-indoor-pools-shall-expire-on-December~~  
 29 ~~17--next-following-the-date-of-issue,~~ except that an original  
 30 license for a swimming facility ~~an-indoor-pool~~ issued after  
 31 February ~~September~~ 1 and before May ~~December~~ 1 shall expire

1 on ~~May~~ December 1 of the following year. Licenses for indoor  
2 pools that expire December 1, 2001 shall be renewed for a \$75  
3 fee for a license that will expire on May 1, 2003.  
4 Applications for original licenses shall be made on forms  
5 furnished by the Department. Each application to the  
6 Department shall be signed by the applicant and accompanied  
7 by an affidavit of the applicant as to the truth of the  
8 application and, except in the case of an application by an  
9 organization incorporated under the General Not for Profit  
10 Corporation Act, as amended, by the payment of a license  
11 application fee of \$50. License fees are not refundable. Each  
12 application shall contain: the name and address of the  
13 applicant, or names and addresses of the partners if the  
14 applicant is a partnership, or the name and addresses of the  
15 officers if the applicant is a corporation or the names and  
16 addresses of all persons having an interest therein if the  
17 applicant is a group of individuals, association, or trust;  
18 and the location of the swimming facility ~~pool-or-beach~~. A  
19 license shall be valid only in the possession of the person  
20 to whom it is issued and shall not be the subject of sale,  
21 assignment, or other transfer, voluntary, or involuntary, nor  
22 shall the license be valid for any premises other than those  
23 for which originally issued. Upon receipt of an application  
24 for an original license the Department shall inspect such  
25 swimming facility ~~pool--er--beach~~ to insure compliance with  
26 this Act.

27 (Source: P.A. 86-595.)

28 (210 ILCS 125/5) (from Ch. 111 1/2, par. 1205)

29 Sec. 5. Permit for construction or major alteration. No  
30 swimming facility ~~pool--er--public--bathing--beach~~ shall be  
31 constructed, developed, ~~er~~ installed, or altered in a major  
32 manner until plans, specifications, and other information  
33 relative to such swimming facility ~~pool--er--beach--area~~ and

1 appurtenant facilities as may be requested by the Department  
 2 are submitted to and reviewed by the Department and found to  
 3 comply with minimum sanitary and safety requirements and  
 4 design criteria, and until a permit for the construction or  
 5 development is issued by the Department. Construction permits  
 6 for spas are not required until January 1, 2003. Permits are  
 7 valid for a period of one year from date of issue. They may  
 8 be reissued upon application to the Department and payment of  
 9 the permit fee as provided in this Act.

10 The fee to be paid by an applicant, other than an  
 11 organization incorporated under the General Not for Profit  
 12 Corporation Act, as now or hereafter amended, for a permit  
 13 for construction, development, major alteration, or  
 14 installation of each swimming facility is \$50, which shall  
 15 accompany such application; ~~except that permit fees for~~  
 16 ~~swimming pools having 50,000 gallons or less is \$25.~~

17 (Source: P.A. 78-1149.)

18 (210 ILCS 125/6) (from Ch. 111 1/2, par. 1206)

19 Sec. 6. License renewal. Applications for renewal of the  
 20 license shall be made in writing by the holder of the  
 21 license, on forms furnished by the Department and, except in  
 22 the case of an application by an organization incorporated  
 23 under the General Not for Profit Corporation Act, as now or  
 24 hereafter amended, shall be accompanied by a license  
 25 application fee of \$50, which shall not be refundable, and  
 26 shall contain any change in the information submitted since  
 27 the original license was issued or the latest renewal  
 28 granted. In addition to any other fees required under this  
 29 Act, a late fee of \$20 shall be charged when any renewal  
 30 application is received by the Department after the license  
 31 has expired; however, educational institutions and units of  
 32 State or local government shall not be required to pay late  
 33 fees. If, after inspection, the Department is satisfied that

1 the swimming facility ~~pool--er--beach~~ is in substantial  
2 compliance with the provisions of this Act and the rules and  
3 regulations issued thereunder, the Department shall issue the  
4 renewal license.

5 (Source: P.A. 85-1261.)

6 (210 ILCS 125/7) (from Ch. 111 1/2, par. 1207)

7 Sec. 7. Conditional license. If the Department finds that  
8 the facilities of any swimming facility ~~pool-er-bathing-beach~~  
9 for which a license is sought are not in compliance with the  
10 provisions of this Act and the rules and regulations of the  
11 Department relating thereto, but may operate without undue  
12 prejudice to the public, the Department may issue a  
13 conditional ~~er-temporary~~ license setting forth the conditions  
14 on which the license is issued, the manner in which the  
15 swimming facility ~~pool-er-beach~~ fails to comply with the Act  
16 and such rules and regulations, and shall set forth the time,  
17 not to exceed 3 years, within which the applicant must make  
18 any changes or corrections necessary to fully comply with  
19 this Act and the rules and regulations of the Department  
20 relating thereto. No more than 3 such consecutive annual  
21 conditional ~~er temporary~~ licenses may be issued.

22 (Source: P.A. 78-1149.)

23 (210 ILCS 125/8) (from Ch. 111 1/2, par. 1208)

24 Sec. 8. Payment of fees; display of licenses. All fees  
25 generated under the authority of this Act shall be deposited  
26 into the Facility Licensing Fund and, subject to  
27 appropriation, shall be used by the Department in the  
28 administration of this Act. All fees shall be submitted in  
29 the form of a check or money order. All licenses ~~and--permits~~  
30 provided for in this Act shall be displayed in a conspicuous  
31 place for public view, within or on such premises. In case of  
32 revocation or suspension, the owner or operator or both shall

1 cause the license to be removed and to post the notice of  
2 revocation or suspension issued by the Department.

3 (Source: P.A. 78-1149.)

4 (210 ILCS 125/9) (from Ch. 111 1/2, par. 1209)

5 Sec. 9. Inspections. Subject to constitutional  
6 limitations, the Department, by its representatives, after  
7 proper identification, is authorized and shall have the power  
8 to enter at reasonable times upon private or public property  
9 for the purpose of inspecting and investigating conditions  
10 relating to the enforcement of this Act and regulations  
11 issued hereunder. Written notice of all violations shall be  
12 given to the owners, operators and licensees of swimming  
13 facilities ~~pools-and-bathing-beaches~~.

14 (Source: P.A. 78-1149.)

15 (210 ILCS 125/10) (from Ch. 111 1/2, par. 1210)

16 Sec. 10. Access to premises. It shall be the duty of the  
17 owners, operators and licensees of swimming facilities ~~pools~~  
18 ~~and-bathing-beaches~~ to give the Department and its authorized  
19 agents free access to such premises at all reasonable times  
20 for the purpose of inspection.

21 (Source: P.A. 78-1149.)

22 (210 ILCS 125/12) (from Ch. 111 1/2, par. 1212)

23 Sec. 12. Water samples. Licensees shall cause to be  
24 submitted water samples and such operational and analytical  
25 data and records as may be required by the Department to  
26 determine the sanitary and safety conditions of the swimming  
27 facility ~~pool-or-bathing-beach~~.

28 (Source: P.A. 78-1149.)

29 (210 ILCS 125/13) (from Ch. 111 1/2, par. 1213)

30 Sec. 13. Rules. The Department shall promulgate,

1 publish, adopt and amend such rules and regulations as may be  
 2 necessary for the proper enforcement of this Act, to protect  
 3 the health and safety of the public using such pools and  
 4 beaches, spas, and other appurtenances, and may, when  
 5 necessary, utilize the services of any other state agencies  
 6 to assist in carrying out the purposes of this Act. These  
 7 regulations shall include but are not limited to design  
 8 criteria for swimming facility pools--and--beach areas and  
 9 bather preparation facilities, standards relating to  
 10 sanitation, cleanliness, plumbing, water supply, sewage and  
 11 solid waste disposal, design and construction of all  
 12 equipment, buildings, rodent and insect control, communicable  
 13 disease control, safety and sanitation of appurtenant  
 14 swimming pools--and--beach facilities. The regulations must  
 15 include provisions for the prevention of bather entrapment or  
 16 entanglement at new and existing swimming facilities. The  
 17 Department may adopt less stringent requirements for spas  
 18 existing prior to January 1, 2003 than for new spas, provided  
 19 minimum safety features, including provisions to protect  
 20 against bather entrapment, are provided. Bather preparation  
 21 facilities consisting of dressing room space, toilets and  
 22 showers shall be available for use of patrons of swimming  
 23 facilities pools--and--beaches, except as provided by  
 24 Department regulations.

25 (Source: P.A. 86-595.)

26 (210 ILCS 125/21) (from Ch. 111 1/2, par. 1221)

27 Sec. 21. Closure of facility. Whenever the Department  
 28 finds any of the conditions hereinafter set forth it shall,  
 29 by written notice, immediately order the owner, operator or  
 30 licensee to close the swimming facility pool-or-beach and to  
 31 prohibit any person from using such facilities:

32 (1) If conditions at a swimming facility pool-or-bathing  
 33 beach and appurtenances, including bathhouse facilities, upon



1 inspection and investigation by a representative of the  
 2 Department, create an immediate danger to health or safety,  
 3 including conditions that could lead to bather entrapment or  
 4 entanglement; or

5 (2) When the Department, upon review of results of  
 6 bacteriological analyses of water samples collected from a  
 7 swimming facility pool-or--bathing--beach, finds that such  
 8 water does not conform to the bacteriological standards  
 9 promulgated by the Department for proper swimming water  
 10 quality; or

11 (3) When an environmental survey of an area shows  
 12 evidence of sewage or other polluttional or toxic materials  
 13 being discharged to waters tributary to a beach creating an  
 14 immediate danger to health or safety; or

15 (4) When the Department finds by observation or test for  
 16 water clarity of the swimming facility pool-or-beach water a  
 17 higher turbidity level than permitted in the standards for  
 18 physical quality as promulgated by the Department; or

19 (5) When in such cases as it is required, the presence  
 20 of a satisfactory disinfectant residual, prescribed by rule  
 21 as promulgated by the Department, is absent.

22 The notice shall state the reasons prompting the closing  
 23 of the facilities and a copy of the notice must be posted  
 24 conspicuously at the pool or beach by the owner, operator or  
 25 licensee.

26 The State's Attorney and Sheriff of the county in which  
 27 the swimming facility pool-or-bathing-beach is located shall  
 28 enforce the closing order after receiving notice thereof.

29 Any owner, operator or licensee affected by such an order  
 30 is entitled, upon written request to the Department, to a  
 31 hearing as provided in this Act.

32 When such conditions are abated or when the results of  
 33 analyses of water samples collected from the swimming  
 34 facility pool--er--beach, in the opinion of the Department,

1 comply with the Department's bacteriological standards for  
2 acceptable water quality, or when the turbidity decreases to  
3 the permissible limit, or when the disinfectant residual  
4 reaches a satisfactory level as prescribed by rule, the  
5 Department may authorize reopening the pool or beach. When  
6 sources of sewage, pollution, or toxic materials discovered  
7 as a result of an environmental survey are eliminated, the  
8 Department may authorize reopening of such beach.

9 (Source: P.A. 78-1149.)

10 (210 ILCS 125/21.1) (from Ch. 111 1/2, par. 1221.1)

11 Sec. 21.1. Use of life jackets. No person shall prohibit  
12 the use of a life jacket in a swimming facility ~~pool~~ by an  
13 individual who, as evidenced by a statement signed by a  
14 licensed physician, suffers from a physical disability or  
15 condition which necessitates the use of such life jacket.

16 (Source: P.A. 84-964.)

17 (210 ILCS 125/23) (from Ch. 111 1/2, par. 1223)

18 Sec. 23. Applicability of Act. Nothing in this Act shall  
19 be construed to exclude the State of Illinois and Departments  
20 and educational institutions thereof and units of local  
21 government except that the provisions in this Act for fees  
22 for licenses and permits, and the provisions for fine and  
23 imprisonment shall not apply to the State of Illinois, to  
24 Departments and educational institutions thereof, or units of  
25 local government. This Act shall not apply to beaches  
26 operated by units of local government located on Lake  
27 Michigan.

28 (Source: P.A. 78-1149.)

29 (210 ILCS 125/27) (from Ch. 111 1/2, par. 1227)

30 Sec. 27. Adoption of ordinances. Any unit of government  
31 having a full-time municipal, district, county or

1 multiple-county health department and which employs full  
2 time~~---~~ a physician licensed in Illinois to practice  
3 medicine in all its branches and~~,-2-~~ a professional engineer,  
4 registered in Illinois, with a minimum of 2 ~~two~~ years'  
5 experience in environmental health, may administer and  
6 enforce this Act by adopting an ordinance electing to  
7 administer and enforce this Act and adopting by reference the  
8 rules and regulations promulgated and amended from time to  
9 time by the Department under authority of this Act.

10 A unit of local government that so qualified and elects  
11 to administer and enforce this Act shall furnish the  
12 Department a copy of its ordinance and the names and  
13 qualifications of the employees required by this Act. The  
14 unit of local government ordinance shall then prevail in lieu  
15 of the state licensure fee and inspection program with the  
16 exception of Section 5 of this Act which provides for permits  
17 for construction, development and installation, which  
18 provisions shall continue to be administered by the  
19 Department. Units of local government shall require such  
20 State permits as provided in Section 5 prior to issuing  
21 licenses for swimming facilities ~~peels--or--public--bathing~~  
22 ~~beaches~~ constructed, developed, ~~or~~ installed, or altered in a  
23 major manner after the effective date of this Act.

24 Not less than once each year the Department shall  
25 evaluate each unit of local government's licensing and  
26 inspection program to determine whether such program is being  
27 operated and enforced in accordance with this Act and the  
28 rules and regulations promulgated thereunder. If the  
29 Department finds, after investigation, that such program is  
30 not being enforced within the provisions of this Act ~~and/or~~  
31 the rules and regulations promulgated thereunder, the  
32 Director shall give written notice of such findings to the  
33 unit of government. If the Department finds, not less than 30  
34 days of such given notice, that the program is not being

1 conducted and enforced within the provisions of this Act  
2 and/or the rules and regulations promulgated thereunder, the  
3 Director shall give written notice to the unit of government  
4 that its authority to administer this Act is revoked. Any  
5 unit of government whose authority to administer this Act is  
6 revoked may request an administrative hearing as provided in  
7 this Act. If the unit of government fails to request a  
8 hearing or if, after such hearing, the Director confirms the  
9 revocation, all swimming facilities ~~peels-and-public--bathing~~  
10 ~~beaches~~ then operating under such unit of government shall be  
11 immediately subject to the State licensure fee and inspection  
12 program, until such time as the unit of government is again  
13 authorized by the Department to administer and enforce this  
14 Act.

15 (Source: P.A. 86-595.)

16 (210 ILCS 125/28 rep.)

17 Section 10. The Swimming Pool and Bathing Beach Act is  
18 amended by repealing Section 28.

19 Section 95. The Illinois Migrant Labor Camp Law is  
20 amended by changing Section 18 as follows:

21 (210 ILCS 110/18)

22 Sec. 18. The Department shall deposit all fees and fines  
23 collected under this Act into the Facility Licensing Fund.  
24 Moneys in the Fund, subject to appropriation, shall be used  
25 for the enforcement of this Act.

26 (Source: P.A. 88-535.)

27 Section 99. Effective date. This Act takes effect upon  
28 becoming law."