

1 Section 1. Effective January 1, 1995, except subsection (c) which becomes
2 effective upon ratification, G.S. 130A-282 reads as rewritten:

3 **"§ 130A-282. Commission to adopt rules; exception.**

4 (a) Rules Required. For protection of the public health and safety, the
5 Commission shall adopt and the Department shall enforce rules concerning the
6 construction and operation of public swimming pools. The Commission shall classify
7 public swimming pools on the basis of size, usage, type, or any other appropriate factor
8 and shall adopt requirements for each classification. The rules shall include
9 requirements for:

10 (1) Submission and review of plans prior to construction.

11 (2) Application, review, expiration, renewal, and revocation or suspension
12 of an operating permit.

13 (3) Inspection.

14 (4) Design and construction including materials, depth and other
15 dimensions, and standards for the abatement of suction hazards.
16 ~~Construction and operation including water source, water quality and testing,~~
17 ~~materials, depth and other dimensions, fencing, water treatment, chemical~~
18 ~~storage, toilet and bath facilities, measures to ensure the personal cleanliness~~
19 ~~of bathers, safety equipment and other safety measures, and sewage and~~
20 ~~other wastewater disposal.~~

21 (5) Operation and safety including water source, water quality and testing,
22 fencing, water treatment, chemical storage, toilet and bath facilities,
23 measures to ensure the personal cleanliness of bathers, safety
24 equipment and other safety measures, and sewage and other
25 wastewater disposal.

26 (b) Exception. Public swimming pools constructed or remodeled prior to May 1,
27 1993, that do not meet specific design and construction requirements of the rules for
28 public swimming pools adopted by the Commission shall not be required to comply
29 with ~~the design and construction requirements.~~ requirements other than requirements
30 related to the abatement of suction hazards. Public swimming pools constructed or
31 remodeled prior to May 1, 1993, shall comply with all other rules for public swimming
32 pools adopted by the Commission.

33 (c) No single drain, single suction outlet public swimming pools less than 18
34 inches deep shall be allowed to operate."

35 Sec. 2. Effective January 1, 1995, G.S. 130A-23 reads as rewritten:

36 **"§ 130A-23. Suspension and revocation of permits and program participation.**

37 (a) The Secretary may suspend or revoke a permit issued under this Chapter upon
38 a finding that a violation of the applicable provisions of this Chapter, the rules of the
39 Commission or a condition imposed upon the permit has occurred. A permit may also
40 be suspended or revoked upon a finding that its issuance was based upon incorrect or
41 inadequate information that materially affected the decision to issue the permit.

42 (b) The Secretary may suspend or revoke a person's participation in a program
43 administered under this Chapter upon a finding that a violation of the applicable
44 provisions of this Chapter or the rules of the Commission has occurred. Program

1 participation may also be suspended or revoked upon a finding that participation was
2 based upon incorrect or inadequate information that materially affected the decision to
3 grant program participation.

4 (c) A person shall be given notice that there has been a tentative decision to
5 suspend or revoke the permit or program participation and that an administrative
6 hearing will be held in accordance with Chapter 150B of the General Statutes, the
7 Administrative Procedure Act, at which time the person may challenge the tentative
8 decision.

9 (d) A permit shall be suspended or revoked immediately if a violation of the
10 Chapter, the rules or a condition imposed upon the permit presents an imminent hazard.
11 An operation permit issued pursuant to G.S. 130A-281 shall be immediately suspended
12 for failure of a public swimming pool to maintain minimum water quality or safety
13 standards or design and construction standards pertaining to the abatement of suction
14 hazards which result in an unsafe condition. A permit issued pursuant to G.S. 130A-228
15 or G.S. 130A-248 shall be revoked immediately for failure of a market or a facility to
16 maintain a minimum grade of C. The Secretary shall immediately give notice of the
17 suspension or revocation and shall immediately file a petition for a contested case in
18 accordance with G.S. 150B-23."

19 Sec. 3. The Commission for Health Services shall adopt whatever temporary
20 rules it deems necessary to minimize the risk of suction-related injuries to children
21 during the 1994 pool season.

22 Sec. 4. The Department of Environment, Health, and Natural Resources shall
23 disseminate not later than 15 days after ratification of this act written information
24 designed to adequately inform local health departments, public swimming pool
25 operators, and the general public of the presence of and ways to avoid hazards related to
26 the use and operation of public swimming pools. This information shall include easily
27 understandable language relating to suction hazards in wading pools.

28 Sec. 5. This act is effective upon ratification.