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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (Division 104 added by Stats. 1995, Ch. 415, Sec. 6.)

PART 10. RECREATIONAL SAFETY [115725 - 116095] (Part 10 added by Stats. 1995, Ch. 415, Sec. 6.)

CHAPTER 5. Safe Recreational Water Use [115825 - 116090.7] (Chapter 5 added by Stats. 1995, Ch. 415, Sec. 6.)

ARTICLE 2.8. Wave Basin Standards [115960.1 - 115960.2] (Article 2.8 added by Stats. 2022, Ch. 461, Sec. 1.)

115960.1. The following definitions apply for purposes of this article:

(a) "Department" means the State Department of Public Health.

(b) "Wave basin" means an artificially constructed body of water within an impervious water containment structure incorporating the use of a mechanical device principally designed to generate waves for surfing on a surfboard or analogous surfing device commonly used in the ocean and intended for sport. "Wave basin" does not include wave pools, as defined under the Wave Pool Safety Act (Article 2.7 (commencing with Section 115950)).

(Added by Stats. 2022, Ch. 461, Sec. 1. (AB 2298) Effective January 1, 2023.)

115960.2. (a) A wave basin shall be subject to regulation as a permanent amusement ride under the Permanent Amusement Ride Safety Inspection Program (Part 8.1 (commencing with Section 7920) of Division 5 of the Labor Code), and the Division of Occupational Safety and Health may inspect and otherwise oversee the operation of a wave basin to ensure compliance with those standards and requirements. This section does not limit the existing authority of the division to regulate permanent amusement rides.

(b) The department, in consultation with the Division of Occupational Safety and Health, shall adopt regulations regulating sanitation and safety of wave basins. The department may consider the federal Centers for Disease Control and Prevention guidance, including, but not limited to, the guidance outlined in the Model Aquatic Health Code during the rulemaking process. The regulations adopted pursuant to this section may be modeled upon the sanitation and safety regulations for swimming pools, but shall consider the unique characteristics of a wave basin, including the volume of water, chemical dispersion caused by wave action, and the size of a typical wave basin.

(c) A local health officer shall have the authority to enforce wave basin sanitation and safety regulations adopted by the department, pursuant to subdivision (b), in their jurisdiction.

(d) Nothing in this article shall relieve a wave basin operator from its obligation to comply with applicable sanitation and safety requirements until the wave basin sanitation and safety regulations are adopted by the department pursuant to subdivision (b).

(Added by Stats. 2022, Ch. 461, Sec. 1. (AB 2298) Effective January 1, 2023.)