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AB-2298 Recreational water use: wave basins. (2021-2022)

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Assembly Bill No. 2298

CHAPTER 461

An act to add Article 2.8 (commencing with Section 115960.1) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to public health.

[Approved by Governor September 22, 2022. Filed with Secretary of State September 22, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, Mayes. Recreational water use: wave basins.

Existing law provides for the regulation of recreational water use, as specified, including, but not limited to, swimming pools and wave pools. Existing law establishes applicable construction and sanitation standards for public swimming pools, and standards pertaining to their operation, maintenance, and use. Existing law, the Permanent Amusement Ride Safety Inspection Program, provides for a state system for the inspection of permanent amusement rides, as defined.

This bill would subject a wave basin, defined as 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, to regulation as a permanent amusement ride under the Permanent Amusement Ride Safety Inspection Program. The bill would require the State Department of Public Health to adopt regulations that may consider the federal Centers for Disease Control and Prevention guidance and that 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. The bill would authorize a local health officer to enforce the wave basin sanitation and safety regulations adopted by the department in their jurisdiction.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 2.8 (commencing with Section 115960.1) is added to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, to read:

Article 2.8. Wave Basin Standards

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)).

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).