

Title 63 – Chapter 1 Oklahoma Public Health Code

(Unofficial Document)

Section 1-1013 - Definition of Public Bathing Place

The term "public bathing place," as used in the following sections of this article, includes all entirely artificially constructed wading pools, swimming pools, bathhouses used collectively by a number of persons for wading, swimming, recreative, or therapeutic bathing, together with all sanitary facilities, bathing suits, buildings, equipment, and appurtenances pertaining to such bathing places; provided, that such term shall not apply to those public or semipublic baths where the main object is the external cleansing of the body, to bathing places maintained by an individual for the use of family and friends, or to bathing places owned or managed by a group or association of the owners of thirty or fewer homes, the use of which is limited to the homeowner group and their nonpaying guests. The term "public bathing place" does not include spray pads or spray grounds. As used in this section, "spray pads or spray grounds" mean interactive recreation areas intended for use by children in which the water is supplied by a system of sprays and is not allowed to accumulate above ground.

[Source: Laws 1963, SB 26, c. 325, art. 10, § 1013, emerg. eff. July 1, 1963; Amended by Laws 1995, SB 354, c. 54, § 1, emerg. eff. July 1, 1995; Amended by Laws 2010, SB 673, c. 382, § 1, eff. November 1, 2010]

Section 1-1013.1 - Annual License Required for Operation of Public Bathing Place

No person, municipality, as defined by paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes, or entity shall engage in or continue the operation of a public bathing place, as defined by Section 1-1013 of Title 63 of the Oklahoma Statutes, until an annual license has been obtained from the State Commissioner of Health for each such public bathing place. Each such operator shall pay an annual fee for such license to be fixed by the State Board of Health. Unless otherwise provided by rules promulgated by the Board, each such license shall expire one (1) year following the date of issue. No such license shall be transferable, and application for such license shall be made upon forms prescribed by the Commissioner. Each application for such license shall be accompanied by the applicant's certification that the public bathing place for which the license is sought is in compliance with the provisions of Section 1-1017 of Title 63 of the Oklahoma Statutes, and no license shall be issued or renewed for such public bathing place until after such certification of compliance has been received by the Commissioner. Provided, municipalities of five thousand (5,000) population or less, shall not be charged more than Fifty Dollars (\$50.00) for such fee.

[Source: Laws 2004, HB 2282, c. 420, § 2, eff. November 1, 2004.]

Section 1-1013.2 - Acts for Which License for Public Bathing Place May be Suspended or Revoked

The State Commissioner of Health may suspend or revoke a public bathing place license on any of the following grounds:

1. Violation of any of the provisions of this act or State Board of Health rules promulgated pursuant thereto;

2. Permitting, aiding or abetting the commission of any illegal act in or on the premises of the licensed public bathing place; or
 3. Conduct or practices by the owner, management or any employee of the public bathing place deemed by the Commissioner to be detrimental to the health, safety or welfare of any person.
- [Source: Laws 2004, HB 2282, c. 420, § 3, eff. November 1, 2004.]

Section 1-1014 - Standards and Rules Governing Sanitation, Healthfulness, Safety, and Design of Public Bathing Places

The State Commissioner of Health shall have supervision of the sanitation, healthfulness, safety and design of public bathing places, and shall enforce all rules promulgated and adopted by the State Board of Health for carrying out the provisions of this act. The Board is hereby authorized to promulgate and adopt reasonable standards and rules pertaining to the design, construction, safety, sanitation, and sanitary operation of public bathing places and to establish fees, as it may deem necessary to effectively carry out the provisions of this act.

[Source: Laws 1963, SB 26, c. 325, art. 10, § 1014; Amended by Laws 2004, HB 2282, c. 420, § 4, eff. November 1, 2004]

Section 1-1015 - Sanitation and Safety

- (a) All public bathing places shall be maintained in a sanitary and safe condition, and all owners, managers, operators, and other attendants in charge of any public bathing place shall be responsible for the sanitation and safety of such places during the season or seasons when the public bathing place is in use.
- (b) The water in a public bathing place shall, at all times during the season or seasons when the bathing place is in use, be of a safe and sanitary quality, in accordance with standards that shall be established by the State Board of Health, on turbidity, chemical content, pH value, bacterial content, and such other factors which the Board deems necessary for the protection of the health and safety of the public.
- (c) All bathing suits and towels used by, and maintained for the use of, the public shall be thoroughly washed, sterilized, rinsed, and thoroughly dried each time they are used.
- (d) All persons known or suspected of being infected with any transmissible condition of a communicable disease shall be excluded from the pool.
- (e) A complete system of artificial lighting shall be provided for all sections of public bathing places which are to be used at night, but underwater lighting in the pool shall not be required.
- (f) All interior sections or rooms of public bathing places shall be properly ventilated.

[Source: Laws 1963, SB 26, c. 325, art. 10, § 1015.]

Section 1-1016 - Construction and Finish - Toilet Facilities - Drinking Fountains - Hot and Cold Water - Design and Equipment

The materials of construction and finish used throughout the premises of a public bathing place shall be such as will provide easily cleanable surfaces with due consideration being given to the safety of the patrons of such places. Requirements regarding toilet facilities, drinking fountains, hot and cold water supplies, lavatories, and showers may be included in standards adopted by the State Board of Health. The design of public bathing places shall be based on modern public health engineering practices and shall at least comply with the minimum design and operation

requirements for the health and safety of patrons as set forth herein, and to this end the State Commissioner of Health shall cause to be printed for free distribution to architects, engineers, and others standards outlining in detail such minimum requirements. The equipment of public bathing places shall be such as to minimize accidents and to provide for the health and safety of the patrons of public bathing places.

[Source: Laws 1963, SB 26, c. 325, art. 10, § 1016.]

Section 1-1016A - Procedure for Use of Public Restrooms

All restrooms located within buildings in the State of Oklahoma built with public funds and which are accessible from corridors intended for general public travel, and which are constructed for public use, shall be available to the general public for their inspection and use, unless public restrooms are available on the same floor of said building. Said public restrooms shall be clearly labeled by signs designating the same as public restrooms. The provisions of this act shall not apply to public buildings used as educational institutions.

[Source: Laws 1975, SB 147, c. 275, § 1, emerg. eff. June 5, 1975.]

Section 1-1016B – Penalty

Every person who shall have control of a public restroom located within a building built with public funds and who shall knowingly violate this act shall be deemed guilty of a misdemeanor.

[Source: Laws 1975, SB 147, c. 275, § 2, emerg. eff. June 5, 1975.]

Section 1-1017 - Plans and Specifications

No public bathing place shall be constructed, added to or changed unless plans and specifications therefor, prepared by a licensed professional engineer, shall have been approved by the State Commissioner of Health and a permit therefor shall have been issued by the Commissioner for such purpose. Such plans and specifications shall be accompanied by an application for a permit, and both the plans and specifications and the application shall bear the signature of the person for whom the work is to be done.

[Source: Laws 1963, SB 26, c. 325, art. 10, § 1017.]

Section 1-1018 - Examinations and Investigations

The State Commissioner of Health, or his authorized representative, or the local health officer, may at all reasonable times enter all parts of the premises of a public bathing place to make examination and investigation to determine the sanitary conditions of such places and whether legal requirement and the rules and regulations of the State Board of Health are being violated.

[Source: Laws 1963, SB 26, c. 325, art. 10, § 1018.]

Section 1-1019 – Records

The operating management of any public bathing place shall keep such records of operation pertaining to sanitation as the State Board of Health may specify.

[Source: Laws 1963, SB 26, c. 325, art. 10, § 1019.]

Section 1-1020 - Noncompliance With Law

Any public bathing place constructed, operated or maintained contrary to the foregoing provisions of this article is hereby declared to be a public nuisance dangerous to public health, but may be permitted to operate upon a compliance with such provisions.

[Source: Laws 1963, SB 26, c. 325, art. 10, § 1020.]

Section 1-1020.1 - Reinspection of Public Bathing Place Declared to be a Nuisance

Each public bathing place that has been declared, as a result of an examination or investigation conducted pursuant to the provisions of Section 1-1018 of Title 63 of the Oklahoma Statutes, to be a public nuisance pursuant to the provisions of Section 1-1020 of Title 63 of the Oklahoma Statutes shall be subject to reinspection. For each such reinspection performed, the operator of such public bathing place subject to reinspection shall pay to the State Department of Health a reinspection fee to be fixed by the State Board of Health. The reinspection fee shall be paid prior to a determination by the State Commissioner of Health, an authorized representative or the local health officer that the public bathing place is in compliance with the provisions of this act.

[Source: Laws 2004, HB 2282, c. 420, § 5, eff. November 1, 2004.]

Section 1-1021 - Permanently Out of Service Public Bathing Places Deemed Public Nuisances

A. Public bathing places that are permanently out of service shall be deemed to be public nuisances.

B. A public bathing place is permanently out of service when it is removed from use with no intention of being reopened.

C. A public bathing place other than a wading pool will be presumed to be permanently out of service when:

1. An indoor public bathing place has not been in use for ninety (90) consecutive days;
2. An outdoor public bathing place has not been in use at any time during the period extending from June 1 to September 1 of the same year.

D. Closure or securing of a permanently out-of-service public bathing place shall be required immediately upon being presumed permanently out of service. Closure is to be completed by filling in the public bathing place with earthen material or by covering the facility with solid, rigid, weight-supporting material to make it level with the surrounding area. Securing is to be completed by constructing or utilizing an existing barrier adequate to prevent entry by unauthorized persons.

E. Municipalities shall be allowed to secure public bathing places which are out of service and have not been secured in accordance with the requirements of this section, and may charge the costs thereof against the taxes of the owner.

[Source: Laws 1989, HB 1538, c. 177, § 3, emerg. eff. July 1, 1989.]