

# TEXAS DEPARTMENT OF STATE HEALTH SERVICES



## DIVISION FOR REGULATORY SERVICES ENVIRONMENTAL AND CONSUMER SAFETY SECTION POLICY, STANDARDS, AND QUALITY ASSURANCE UNIT PUBLIC HEALTH SANITATION & CONSUMER PRODUCT SAFETY

### PUBLIC HEALTH SANITATION & CONSUMER PRODUCT SAFETY REGULATORY CLARIFICATIONS

**Date:** June 27, 2014

**EHPSQAC NO.** 006

**SUBJECT:** Emergency Telephone Capability

**Applicable Texas Administrative Code:** 25 TAC §265.199(j), Telephones at post-10/01/99 and pre-10/01/99 pools and spas – Post-10/01/99 and pre-10/01/99 pools and spas shall have a telephone that is capable of immediately summoning emergency service and that is readily accessible within 200 feet from the pool or spa water. Any other electronic means of summoning emergency service will qualify as a telephone if clear instructions for its use are provided by signage.

**Question:** The City of Mesquite Police Department (MPD) received a 911 emergency phone call from a public pool homeowner's association within the jurisdiction. The call came from a cell phone that had no active account, but retained the ability to dial "911", deactivated. Because the phone had been deactivated the 911 operator taking the call could not locate the caller's location. Does this phone satisfy the requirement of being "capable of immediately summoning emergency service" found in 25 TAC §265.199(j)?"

The concern is that the caller may not know the correct address or precise location of the pool or spa, or the caller may be unable to provide the emergency services operator with the address or precise location due to the circumstances of the emergency thus being unable to immediately summon emergency services.

**Response:** Nationwide changes were made to land-line and cell phones which enable them to provide a precise location of that phone to emergency service response personnel. These changes are based upon Homeland Security recommendations and requirements for all land-line phones and activated cell phones. When a cell phone is

“deactivated” and only capable of dialing “911” the precise location and/or address of the caller will not be available to the emergency services operator, only the location of the tower used to relay the call is available. If the emergency operator is unable to determine the location of the caller the response to an emergency could be delayed.

As a result guidelines for public pool and spa facilities using deactivated cell phones or cell phones capable of dialing emergency services only are as follows:

1. The cell phone must have GPS activated.

2. An easily readable sign with the precise location of the pool or spa in which the emergency is occurring and/or location of the phone must be posted above the phone. The location could include the address, a nearby landmark from which the pool can be seen, GPS location, or any other method that meets with the approval of the responding emergency service may be used.

**Support:**

1. A telephone that is intended to be used to immediately summon emergency assistance is required to be placed within 200 ft. of a public pool or spa
2. In order to reduce the cost of providing a telephone or other emergency services the summoning device many public aquatic facilities are using deactivated cell phones.
3. Deactivated cell phones cannot relay a location to responding emergency services.
4. During an emergency the individual using the emergency phone may not know the address or precise location of the pool or spa in which the emergency took place which could delay the response by emergency services personnel.

This Regulatory Clarification preempts any previous clarification/guidance/policy letters on this subject and remains in effect until superceded in writing by the Public Health Sanitation and Consumer Product Safety Group. Attributed use or reproduction of this information is freely granted.