

1 AN ACT relating to swimming pools and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Class A" means any pool, bathing beach, or bathing facility intended for*
7 *or used by the general public for recreational use that is owned and*
8 *operated by any person, firm, corporation, institution, association, club, or*
9 *any political subdivision of the Commonwealth;*

10 *(b) "Class B" means any pool:*

11 *1. Not open to the general public, but open only to a limited group, such*
12 *as institutions, schools, child-care facilities, resident subdivisions or*
13 *similar developments, camps, day camps, recreational facilities, or*
14 *pools of similar usage and type; or*

15 *2. a. Whose use is restricted to residents, members, or registered*
16 *guests, including but not limited to country clubs, gyms, hotels,*
17 *motels, apartments, trailer parks, mobile home parks, churches,*
18 *and condominiums, except as provided in subdivision b. of this*
19 *subparagraph.*

20 *b. If a pool described in division a. of this subparagraph is used by*
21 *and open to the general public, the pool shall be treated as a*
22 *Class A pool for the period of time it is used by and open to the*
23 *general public;*

24 *(c) "Class C" means any pool:*

25 *1. Whose design or use is significantly different from a swimming pool,*
26 *including but not limited to water recreation attractions, scuba pools,*
27 *zero depth entry pools, instructional pools, water slides, spray grounds,*

1 and spray pools; or

2 2. Intended for use for accredited competitive aquatic events such as
3 World Aquatics, USA Swimming, USA Diving, National Collegiate
4 Athletic Association (NCAA), National Federation of State High
5 School Associations (NFHS), or other similar organization. The pool
6 described in this paragraph may also be used for recreation;

7 (d) "Class D" means any treatment spa or pool or special spa or pool for water
8 therapy; and

9 (e) "Class E" means any commercial whirlpool, hot tub, or spa designed for
10 recreation or relaxation use, in combination with hydro-jet circulation, air
11 induction systems, or other circulation systems using hot, cold, or ambient
12 water temperature, that has a maximum water depth of four (4) feet and is
13 not used for swimming or diving.

14 (2) (a) The Cabinet for Health and Family Services shall establish by
15 administrative regulation a system to designate nonresidential pools into
16 either Class A, Class B, Class C, Class D, or Class E pools.

17 (b) This section shall not apply to a nonresidential pool that does not fall under
18 any of the classifications.

19 (3) (a) Lifeguards shall only be required at all Class A pools and any Class B pool
20 that is open to the general public.

21 (b) The number of lifeguards required at Class A pools or Class B pools that
22 are open to the general public shall be established by administrative
23 regulation.

24 (4) The Cabinet for Health and Family Services shall promulgate administrative
25 regulations in accordance with KRS Chapter 13A to implement this section.

26 ➔Section 2. Whereas swimming pool safety is of the utmost importance to the
27 health and safety of all citizens of the Commonwealth, an emergency is declared to exist,

- 1 and this Act takes effect upon its passage and approval by the Governor or upon its
- 2 otherwise becoming a law.