

## CHAPTER 116

( HB 109 )

AN ACT relating to swimming pools and declaring an emergency.

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

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

(1) *As used in this section:*

(a) *"Class A" means any pool or bathing facility intended for or used by the general public for recreational use; and*

(b) *"Class B" means any pool not open to the general public, but open to limited groups and their invited guests, including but not limited to:*

1. *Health or athletic clubs;*
2. *Country clubs; or*
3. *Residential communities.*

(2) (a) *Lifeguards shall be required at all Class A and Class B pools if the pool facility meets at least one (1) of the following criteria:*

1. *Allows persons seventeen (17) years of age or younger to enter the pool facility enclosure without a responsible adult eighteen (18) years or older;*
2. *Contains features such as induced waves or slides that are available for use; or*
3. *Contains an entry into the pool from a height above the deck from a diving board, platform, climbing wall or other similar feature, that is available for use.*

(b) *If a Class A or Class B pool meets any of the criteria in paragraph (a) of this subsection, it shall provide one (1) lifeguard for each one (1) to one hundred (100) bathers.*

(3) *Lifeguards shall be required at all Class A pools that do not meet any of the criteria in subsection (2)(a) of this section if the pool facility has:*

- (a) *Two thousand (2,000) square feet or greater of water surface area, in which case it shall provide one (1) lifeguard for each two thousand (2,000) square feet or major fraction more than half thereof; or*
- (b) *One hundred (100) or more bathers, in which case it shall provide one (1) lifeguard for each one hundred (100) or more bathers.*

(4) *At a pool where the use is intended for aquatic events, swimming practice, or swimming competition, the swimming coach or instructor that provides instruction during the program may count as a lifeguard, provided the coach or instructor can supervise the entire group.*

(5) *Notwithstanding subsections (2) and (3) of this section, the Cabinet for Health and Family Services may allow Class A and Class B pools to submit an alternative lifeguard staffing plan that has been certified by a third-party compliance specialist that is recognized by the Cabinet for Health and Family Services.*

(6) *All Class A and Class B pools shall be equipped with an emergency shut-off switch to disconnect power to pool recirculation, chemical feed, and electrical devices engaged with the water circulation system, which is located at a place quickly accessible to lifeguards and other pool staff, but secure from the public.*

(7) *Any pool located on the same plat as a single-family residence and not used in connection with a home occupation or business shall be exempted from the provisions of this section.*

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

➔Section 2. Whereas swimming pool safety is paramount to all citizens of the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

**Became law without Governor's signature April 9, 2024.**