



# OLR RESEARCH REPORT

December 19, 2012

2012-R-0524

## STATE REGULATION OF SWIMMING POOLS

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You asked how the state regulates swimming pools operated by towns and public schools. You also wanted to know if Connecticut or any other states regulate swimming activities that take place in these pools. For the purpose of this report, “public pool” means a town-operated swimming pool and “school pool” means a swimming pool operated by a public school.

### SUMMARY

The Department of Public Health (DPH) regulates public and school swimming pool construction. Such construction must be approved by DPH and comply with department regulations and Connecticut Building Code requirements regarding such things as water quality and chemistry, installation of certain safety features, maintenance of pool areas and dressing rooms, and signage regarding proper pool hygiene and conduct and lifeguard availability.

DPH does not regulate swimming activities, such as swim classes, that occur in these pools unless they are conducted by a DPH-licensed day care center, group or family day care home, or youth camp. Otherwise, requirements for swimming activities in public pools are determined by towns and, for school pools, by school districts, in collaboration with local health districts.

Several states set supervision requirements for public swimming pools, some of which include training or certification requirements for swimming instructors. Some of these states require at least one lifeguard for a given number of swimmers or given size pool. Others only require lifeguards under certain circumstances, and require signs when lifeguards are not mandated. States with lifeguard requirements generally provide that lifeguards must be certified and trained in first aid and CPR.

We found two surrounding states, New Jersey and New York, that regulate swim instruction and supervision in school pools. Both states require individuals who supervise pool activities to obtain certain swim safety and instruction certifications. New York sometimes requires the presence of an additional staff member during swim instruction, depending on the pool's size and number of swimmers. It also requires school pool operators to develop a written pool safety plan that addresses pool supervision, injury prevention, emergency response, first aid provision, and soliciting help.

## **STATE REGULATION OF SWIMMING POOLS**

DPH regulates the construction of public and school swimming pools, but, with limited exceptions, does not regulate swimming activities that occur in these pools.

### ***Swimming Pool Construction***

In order to build, reconstruct, or substantially alter a public or school swimming pool, an individual must submit a plan to DPH for approval. By law, the pool must be built by a licensed swimming pool builder ([CGS § 20-340d](#) and Conn. State Agencies. Regs. § 19-13-B33b).

All public and school swimming pools must meet DPH requirements for, among other things, water quality, disinfection, and chemistry (e.g., pH and alkalinity); maintenance of dressing and equipment rooms, decks, and equipment; pool chemical storage; and signage regarding proper pool hygiene and conduct (Conn. State Agencies. Regs., § 19-13-B33b).

Public and school pools must also be equipped with (1) an American National Red Cross 24-unit first aid kit, (2) an emergency telephone or other device, and (3) warning signs displayed when no lifeguard services are provided (Conn. State Agencies. Regs., § 19-13-B33b).

In addition, these pools must comply with the Connecticut Building Code, which requires the pools to have certain safety features, including (1) barriers, such as a fence or wall; (2) entrapment avoidance systems that prevent swimmers from being trapped by the force of water suction from pool drains; and (3) other engineering specifications, such as handrails, ramps, and other accessibility features (Connecticut State Building Code §§ 3109.3, 3109.5, & 3109.8).

The local health director can close a pool if he or she finds (1) the pool is in violation of these regulations or (2) a condition that constitutes a public health or safety hazard or a public nuisance to swimmers (Conn. State Agencies. Regs. § 19-13-B33b).

### ***Swimming Activities***

DPH does not regulate swimming activities that take place in public or school pools, unless they involve a DPH-licensed child day care center, group or family day care home, or youth camp. Otherwise, swimming activities in public pools are overseen by towns. School districts, in collaboration with local health districts, oversee swimming activities in school pools.

***Day Care Centers and Group and Family Day Care Homes.*** Day care centers and group day care homes must meet certain staff-to-child ratios when children are participating in swimming activities. Specifically, at least one program staff person must be assigned to:

1. each infant up to 12 months of age,
2. every two children between ages one and three,
3. every four children between ages three and five, and
4. every six children who are school-aged.

No more than 20 children can attend swimming activities at one time. They must be directly supervised by a qualified staff member who is (1) at least 20 years old, (2) CPR-certified, and (3) a lifeguard with DPH-approved certification. Non-swimmers must be clearly identified as such in a way lifeguards and staff can recognize (Conn. State Agencies. Reg. §§ 19a-79-4a (c) & (d)).

For family day care homes, the provider must obtain written permission and instructions from parents specifying the conditions under which the parent will allow swimming when it is part of the program (Conn. State Agencies. Reg. 19a-87b-10(b)(3)(D)).

If the swimming pool is located at or near the day care center or group or family day care home, it must have a fence or barrier at least four feet high with locked entrances (Conn. State Agencies, Reg., 19a-79-4a (h)(7)(C)).

**Youth Camps.** DPH regulations require the director of a youth camp's swimming activities to be over age 20 and complete American Red Cross lifeguard training (Conn. State Agencies. Reg. 19-13-B27a(n)). This training course is offered online or onsite and takes between 24 and 27 hours to complete. Training topics include:

1. injury prevention and facility safety;
2. patron surveillance;
3. emergency preparedness;
4. rescue skills;
5. victim assessment;
6. first aid, CPR, and automated external defibrillators (AED); and
7. care for head, neck, and spinal injuries.

## **OTHER STATES' REQUIREMENTS FOR PUBLIC SWIMMING POOL SUPERVISION AND SWIMMING INSTRUCTOR TRAINING**

Several states set supervision requirements for swimming pools that are open to the public. Local health codes may also impose additional requirements. A few states also set training or certification requirements for swimming instructors.

Some of these states require at least one lifeguard for a given number of swimmers or given size pool. Others only require lifeguards under certain circumstances (such as when a fee is charged to use the pool), and require signs when lifeguards are not mandated. States with lifeguard requirements generally provide that lifeguards must be certified by the American Red Cross or other organizations. They also generally require lifeguards to be trained in first aid and CPR. Some states also delineate various aspects of the lifeguards' duties, such as specifying that lifeguards should not be assigned tasks which could distract them from observing people in the pool.

Below, we describe some examples of such supervision requirements. We also provide examples of swimming instructor training requirements. These descriptions do not provide all details of these states' laws or regulations on this topic. For example, the summaries do not include certification or training requirements that apply only to lifeguards. The summaries also focus on general requirements for public pools, and do not discuss additional requirements or exemptions that may apply in certain settings (e.g., more stringent supervision requirements for youth camps).

## **California**

California's Health and Safety Code requires lifeguard services at public swimming pools that are of wholly artificial construction and where a direct fee is charged to use the pool. For all other public swimming pools, if no lifeguard service is provided, there must be signs clearly indicating that such services are not provided (Ca. Health & Safety Code § 116045).

Lifeguards are required for wave pools (swimming pools designed to produce breaking wave action in the water and not primarily designed for standup surfing or bodyboarding) (Ca. Health & Safety Code § 115592).

California also generally requires anyone providing aquatic instruction at a public swimming pool to possess a current certificate from an American Red Cross or Y.M.C.A. of the U.S.A. lifeguard training program, or have equivalent qualifications. Such instructors must also be certified in standard first aid and CPR. These requirements do not apply to people who only disseminate written materials relating to water safety.

An aquatic instructor need not be certified if another certified aquatic instructor or certified lifeguard is continuously present during the instruction period (Ca. Health & Safety Code § 116033).

## **Florida**

Florida law requires swimming instructors at public swimming pools to be certified by the American Red Cross, the Y.M.C.A., or other nationally recognized aquatic training program, in swimming instruction, first aid, and CPR (Fl. Stat. Ann. § 514.071).

Florida also has an additional certification requirement for swimming instructors who specialize in training people with developmental disabilities (Fl. Stat. Ann. § 514.072).

## ***Illinois***

Illinois regulations require lifeguards at all pools where children under age 16 are allowed in the pool enclosure without supervision by a responsible person who is at least age 16. Lifeguards are also required at all wave pools and water slides. When lifeguards are not provided, there must be a sign indicating among other things that children under age 16 must be accompanied by a parent, guardian, or other responsible person at least age 16.

When lifeguards are required for pools, there must be one lifeguard per 100 bathers or 2,000 square feet (sq. ft.) of water surface area, whichever would result in the lesser number. Different requirements apply for wave pools and water slides (Ill. Adm. Code tit. 77 § 820.300).

## ***Massachusetts***

Massachusetts regulations require pool operators to provide one or more lifeguards if the local board of health determines that they are necessary for the safe use of the pool. When determining whether and how many lifeguards are required, health boards must consider the pool's size, shape, and capacity. The regulations suggest as a guideline that one lifeguard be provided for each 25 bathers. If no lifeguard is required, the pool operator must post a warning sign in a conspicuous location, stating among other things that children under age 16 should not use the pool without an adult in attendance (105 Mass. Code Regs. 435.23).

Massachusetts regulations also provide that, if required by the local board of health, there must be at least one trained person on the premises at all times that a pool is open. This individual can be the pool supervisor, a lifeguard, a pool attendant, or other trained person. When determining whether the presence of such a person is necessary and minimum training or certification requirements, health boards must consider the pool's size and capacity, average attendance, complexity of the disinfection equipment, and the facility's history of compliance with the regulations (105 Mass. Code Regs. 435.17).

## ***New Jersey***

New Jersey regulations require at least one person certified in first aid and CPR to be on the premises, available, and readily accessible when a public swimming pool is in use. If the trained individual is not stationed at the pool, then the facility must conspicuously post a sign indicating the person's location and how to access him or her.

At least one certified lifeguard must be on duty for each 60 swimmers at all times when the swimming pool is in use; additional lifeguards are required in certain circumstances (N.J. Admin. Code § 8:26-5.2).

## ***Pennsylvania***

Pennsylvania regulations require recreational swimming establishments to have an adequate number of certified lifeguards on duty. "Recreational swimming establishments" are facilities with the primary purpose of swimming (including pools) that charge a fee for admission.

Specifically, such establishments must have at least one lifeguard for every 4,000 sq. ft. of water surface area, plus one lifeguard for any fractional part of at least 1,000 sq. ft., on duty at all times the establishment is open for general swim purposes. The state Department of Health can require a greater number if the pool's size, shape, or other circumstances impair the lifeguard's ability to survey the area. There must always be at least two lifeguards present when the facility is open for recreational swimming.

During special events such as swim meets, swim team practices, or training programs in which the establishment's use is restricted to only people participating in the special event, at least one lifeguard must be present whose sole duty is to protect bathers.

Additional requirements apply related to diving boards and water slides (28 Pa. Code § 18.42).

## ***Rhode Island***

Rhode Island does not generally require lifeguards for non-residential pools that are open to the public. However, the state does require a lifeguard for such pools when they are used by a swim club or by a group of unsupervised children who may have access to the pool. Even when no lifeguard is required, the pool operator must, among other things, (1) ensure that someone trained in first aid is in close proximity to the pool

and (2) post a sign in a conspicuous place. The sign must indicate various things, such as that no one under age 18 is permitted unless accompanied by an adult (R.I. Gen. Laws § 23-22-6).

## **OTHER STATES' REQUIREMENTS FOR SCHOOL SWIMMING POOL SUPERVISION AND SWIMMING INSTRUCTOR TRAINING**

We found two surrounding states, New Jersey and New York, that regulate swim instruction and supervision in school pools.

### ***New Jersey***

New Jersey's State Board of Education (SBE) requires school pool supervisors to obtain a standard state swim instruction certificate. In addition, they must obtain three safety certifications from the American Red Cross or Y.M.C.A., including (1) CPR for professional rescuers, (2) lifeguarding, and (3) water safety instruction. In addition, SBE requires school administrators to annually report to their superintendents a list of swim instructors and copies of their certifications (N.J. Stat. Ann. § 18A:26-2.3; N.J. Admin. Code § 6A:9-11.12).

### ***New York***

New York's state health department regulates school pool safety and supervision. Those who supervise pool activities in physical education classes must be (1) at least age 16; (2) CPR-certified; (3) able to swim, dive, and tread water for specified times and distances; and (4) a certified lifeguard or complete 15 substitute training hours. The health department must approve this substitute training, which includes a range of topics such as preventive lifeguarding and victim recognition; spinal injury management, first aid, and emergency care; and communication systems and emergency action plans.

School pool operators must keep copies of staff certifications on file and develop a written pool safety plan. This plan must specify practices for pool supervision, injury prevention, emergency response, first aid provision, and soliciting help.

When school staff conduct swim instruction, department regulations require the presence of an additional staff member if (1) the pool size exceeds 3,400 sq. ft. and (2) the number of swimmers is expected to exceed 50 percent of the pool's capacity (based on 25 sq. ft. of pool surface area per swimmer) (N.Y. Comp. Codes R. & Regs. tit. 10, §§ 6-1.1 to 6-1.31).

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