

# SENATE BILL 139

E4, J1

2lr0412

(PRE-FILED)

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By: **Senator Jackson**

Requested: August 26, 2021

Introduced and read first time: January 12, 2022

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Semipublic Pools – Lifeguards**

3 FOR the purpose of establishing lifeguard requirements for owners of outdoor semipublic  
4 pools and owners of indoor, heated, semipublic pools; and generally relating to  
5 lifeguards at semipublic pools.

6 BY adding to

7 Article – Health – General

8 Section 24–213

9 Annotated Code of Maryland

10 (2019 Replacement Volume and 2021 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That the Laws of Maryland read as follows:

13 **Article – Health – General**

14 **24–213.**

15 **(A) IN THIS SECTION, “SEMIPUBLIC POOL” MEANS A POOL AT A FACILITY:**

16 **(1) WHERE THE USE OF THE POOL IS RESTRICTED TO AN INDIVIDUAL:**

17 **(i) STAYING AT THE FACILITY, IF THE FACILITY IS A**  
18 **TEMPORARY DWELLING, INCLUDING:**

19 **1. A HOTEL;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1                                   **2.     A MOTEL;**
- 2                                   **3.     A CAMPGROUND;**
- 3                                   **4.     A BED AND BREAKFAST HAVING NINE OR MORE GUEST**  
4 **ROOMS; OR**
- 5                                   **5.     A SIMILAR TEMPORARY DWELLING;**
- 6                                   **(II)   HOLDING MEMBERSHIP AT THE FACILITY, IF THE FACILITY**  
7 **IS:**
- 8                                   **1.     AN ADULT HEALTH CLUB;**
- 9                                   **2.     A RETIREMENT COMMUNITY;**
- 10                                   **3.     A MARINA;**
- 11                                   **4.     A CONDOMINIUM; OR**
- 12                                   **5.     A SIMILAR FACILITY;**
- 13                                   **(III)  RESIDING AT THE FACILITY, IF THE FACILITY IS:**
- 14                                   **1.     AN APARTMENT COMPLEX;**
- 15                                   **2.     A HOUSING SUBDIVISION; OR**
- 16                                   **3.     A MOBILE HOME PARK WITH 10 UNITS OR LESS;**
- 17                                   **(IV)  RECEIVING TREATMENT AT THE FACILITY, IF THE FACILITY**  
18 **IS REGULARLY USED FOR PROVIDING PHYSICAL THERAPY AT THE FACILITY'S POOL;**  
19 **OR**
- 20                                   **(V)   WHO HAS AN OWNERSHIP INTEREST IN THE POOL; AND**
- 21                                   **(2)   WHERE THE POOL IS NOT:**
- 22                                   **(I)   OPEN FOR ADMISSION TO THE GENERAL PUBLIC, EXCEPT AS**  
23 **DESCRIBED IN ITEM (1) OF THIS SUBSECTION;**
- 24                                   **(II)  AVAILABLE TO AN INDIVIDUAL ON PAYMENT OF A FEE FOR**  
25 **THE USE OF THE POOL;**

1                   **(III) A LIMITED PUBLIC-USE POOL, A PRIVATE POOL, OR A**  
2 **RECREATIONAL POOL, AS DEFINED IN COMAR 10.17.01.05;**

3                   **(IV) EQUIPPED WITH A SLIDING BOARD, DIVING PLATFORM,**  
4 **WATER SLIDE, WATER FLUME, OR WATER RECREATIONAL PLAY EQUIPMENT THAT IS**  
5 **BUILT INTO OR ATTACHED TO THE POOL STRUCTURE; OR**

6                   **(V) AT A BED AND BREAKFAST THAT HAS EIGHT OR FEWER**  
7 **GUEST ROOMS.**

8           **(B) (1) AN OWNER OF AN OUTDOOR SEMIPUBLIC POOL SHALL ENSURE**  
9 **THAT, FROM MEMORIAL DAY TO LABOR DAY, DURING HOURS WHEN THE POOL IS**  
10 **OPEN AT LEAST ONE LIFEGUARD IS ON DUTY ON THE DECK OBSERVING THE POOL:**

11                   **(I) IF AN INDIVIDUAL IS IN THE WATER; AND**

12                   **(II) FOR EVERY 50 INDIVIDUALS IN THE WATER.**

13                   **(2) AN OWNER OF AN INDOOR, HEATED, SEMIPUBLIC POOL SHALL**  
14 **ENSURE THAT DURING HOURS WHEN THE POOL IS OPEN AT LEAST ONE LIFEGUARD**  
15 **IS ON DUTY ON THE DECK OBSERVING THE POOL:**

16                   **(I) IF AN INDIVIDUAL IS IN THE WATER; AND**

17                   **(II) FOR EVERY 50 INDIVIDUALS IN THE WATER.**

18           **(C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**  
19 **SECTION.**

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
21 1, 2022.