

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Am. S. B. No. 309

Senator Gavarone

**Cosponsors: Senators Manning, Brenner, Antonio, Blessing, Burke, Coley, Craig,
Fedor, Hackett, Hoagland, Johnson, Kunze, Lehner, O'Brien, Roegner, Thomas,
Wilson, Yuko**

A BILL

To amend section 3749.01 of the Revised Code to 1
allow certified swimming classes to take place 2
at a private residential swimming pool without 3
requiring the pool's operator to obtain a public 4
swimming pool license and to declare an 5
emergency. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3749.01 of the Revised Code be 7
amended to read as follows: 8

Sec. 3749.01. As used in sections 3749.01 to 3749.10 of 9
the Revised Code: 10

(A) "Board of health" means a city board of health or a 11
general health district, or an authority having the duties of a 12
city board of health as authorized by section 3709.05 of the 13
Revised Code. 14

(B) "Health district" means any city or general health 15
district created pursuant to section 3709.01 of the Revised 16

Code.	17
(C) "Person" means the state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.	18 19 20
(D) "Licensor" means a city board of health or a general health district, an authority having the duties of a city board of health as authorized pursuant to section 3709.05 of the Revised Code, or the director of the department of health when acting under section 3749.07 of the Revised Code.	21 22 23 24 25
(E) "Director" means the director of the department of health or <u>his an</u> authorized representative <u>of the director of</u> <u>health.</u>	26 27 28
(F) "Private residential swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the <u>any of the following:</u>	29 30 31 32 33
(1) <u>The dwelling's residents and their;</u>	34
(2) <u>The resident's nonpaying guests;</u>	35
(3) <u>A paying guest of a resident if the guest is</u> <u>participating in a certified swimming class conducted by the</u> <u>resident, provided that both of the following apply:</u>	36 37 38
(a) <u>The resident is a certified swimming instructor and is</u> <u>conducting the certified swimming class on a one-on-one basis;</u>	39 40
(b) <u>Not more than four individuals are in the pool at the</u> <u>same time during the class.</u>	41 42
(G) "Public swimming pool" means any indoor or outdoor	43

structure, chamber, or tank containing a body of water for 44
swimming, diving, or bathing that is intended to be used 45
collectively for swimming, diving, or bathing and is operated by 46
any person whether as the owner, lessee, operator, licensee, or 47
concessionaire, regardless of whether or not a fee is charged 48
for use, but does not mean any public bathing area or private 49
residential swimming pool. 50

(H) "Public spa" means any public swimming pool that is 51
typically operated as a smaller, higher temperature pool for 52
recreational or nonmedical uses. 53

(I) "Special use pool" means a public swimming pool 54
containing flume slides, wave generating equipment, or other 55
special features that necessitate different design and safety 56
requirements. "Special use pool" does not include any water 57
slide or wave generating pool at a public amusement area which 58
is licensed and inspected by the department of agriculture 59
pursuant to sections 1711.50 to 1711.57 of the Revised Code. 60

(J) "Public bathing area" means an impounding reservoir, 61
basin, lake, pond, creek, river, or other similar natural body 62
of water. 63

(K) "Certified swimming class" means an infant swimming 64
resource (ISR) class; an American red cross swimming class, 65
swimming lesson, or learn-to-swim class; and any other swimming 66
class certified by a nationally accredited organization that 67
operates in all fifty states. 68

(L) "Certified swimming instructor" means a certified ISR 69
instructor; a certified American red cross swimming instructor 70
or swim coach; and any other swim instructor certified by a 71
nationally accredited organization that operates in all fifty 72

<u>states.</u>	73
Section 2. That existing section 3749.01 of the Revised Code is hereby repealed.	74 75
Section 3. It is not the intent of the General Assembly that any provision in this act be interpreted as either limiting or restricting an insurer's ability to do any of the following:	76 77 78
(A) Exclude insurance coverage from any insurance policy;	79
(B) Underwrite any insurance policy; or	80
(C) Create, imply, or otherwise grant insurance coverage not found in a policy of insurance.	81 82
Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to continue the essential operation of certified swimming classes. Therefore, this act shall go into immediate effect.	83 84 85 86 87