

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 204 (Delegate King)
Health and Government Operations

Public Safety - Pool Lifeguards - Regulation (Connor's Law)

This bill requires swimming pool owners to have one lifeguard on duty for each group of 25 or fewer individuals in the water. The bill applies to public, recreational, and semipublic pools with a water surface area greater than 2,500 square feet, as well as pools within a multiple pool facility within an enclosure that has a combined water surface area greater than 2,500 square feet.

Fiscal Summary

State Effect: Special fund expenditures could increase for State Parks that operate pools. Special fund revenues could decrease for such parks.

Local Effect: Expenditures could increase for counties that operate recreational programs with pools. Revenues could decrease for such counties. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful.

Analysis

Current Law: Maryland regulations set lifeguard-to-swimmer ratios for camps, limited-public use pools (including day care centers), and public pools and spas. A camp that offers an aquatic program has to have one lifeguard on duty for each group of 50 campers in the water. Public pools and spas are also required to have one lifeguard on duty for each group of 50 swimmers, while limited public-use pools are required to have one lifeguard on duty for each group of 25 swimmers.

Background: California, Maine, New Hampshire, Oregon, Texas, and Maryland all have regulations setting lifeguard-to-swimmer ratios in camps. Kentucky, Oklahoma, and Maryland have regulations setting lifeguard-to-swimmer ratios in public pools, and Mississippi, Montana, North Carolina, Oregon, Vermont, and Maryland have regulations for lifeguard-to-swimmer ratios at child care centers.

The bill is named after a five year old boy named Connor who drowned in a country club pool in Anne Arundel County. In 2007, the boy's parents won a judgment of \$4 million against the pool management company, claiming that it did not post enough lifeguards or sufficiently train the ones on duty.

State Fiscal Effect: Two State Parks (Dans Mountain and Pocomoke River) have swimming pools. In addition, the Department of Natural Resources manages a pool at Somers Cover Marina. All the pools are special funded. While special fund expenditures could increase as a result of hiring extra lifeguards to meet the new ratio set under the bill, it is difficult to reliably estimate any such costs. Alternatively, special fund revenues could decrease if pool admissions are limited.

Local Fiscal Effect: Some local governments that operate recreational programs with pools report difficulty hiring enough lifeguards to meet the current one lifeguard to 50 swimmer ratio set in regulations. Doubling the ratio could exacerbate the shortage, and cause local governments to limit the number of lessons, admissions, and class sizes offered. In that event, revenues could decrease in those counties.

However, some pools operated by local governments may already employ sufficient numbers of staff; or, because the number of swimmers is small, will not need to hire additional lifeguards. For those that do need to hire additional lifeguards and successfully do so, expenditures would increase to pay additional lifeguards.

Small Business Effect: Private pool owners may have to limit the number of patrons or hire additional lifeguards if they ever have more than 25 swimmers in the pool at one time. Owners of hotels, motels, campgrounds, and bed and breakfasts with pools would all be affected, as would health clubs, retirement communities, marinas, condominiums, apartment complexes, housing subdivisions, and mobile home parks.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Caroline County, Howard County, Anne Arundel County, Department of Health and Mental Hygiene, Department of Natural Resources, www.connorcares.org, Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2008
ncs/ljm

Analysis by: Sarah K. Harvey

Direct Inquiries to:
(410) 946-5510
(301) 970-5510