

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 879

(Senator Klausmeier)

Finance

---

**Public Safety - Pool Personnel - Regulation (Connor's Law)**

---

This bill requires the owner of a public pool, a recreational pool, a semi-public pool with a water surface area greater than 2,500 square feet, or a multiple pool facility with a combined water surface area that is greater than 2,500 square feet to have on the premises during the pool's operating hours one lifeguard and one adult who holds current certificates of successful completion of basic first aid training through the American Red Cross and cardiopulmonary resuscitation (CPR) training through the American Heart Association.

---

**Fiscal Summary**

**State Effect:** Department of Health and Mental Hygiene (DHMH) regulations can be revised to reflect new certification and training requirements with existing resources. State parks that operate pools may experience scheduling difficulties to meet the requirement that one adult holding first aid and CPR certification be on the pool's premises during operating hours, but the Department of Natural Resources (DNR) does not anticipate an increase in costs.

**Local Effect:** Expenditures may increase beginning in FY 2011 for counties that operate smaller public pools that will need at least two people present on the pool premises at all times. Costs may also increase to employ older lifeguards. **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. One staff member who is 16 years old, or an adult volunteer, must be on duty at poolside observing campers for each group of 25 campers or fraction of 25 campers in the water; one adult staff member, adult volunteer, counselor, or assistant counselor must be on duty and supervising the campers for each group of 10 campers or fraction of 10 campers participating in a swimming activity. In addition, two individuals certified in first aid and CPR must be on duty during an aquatic program.

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. Except at a semi-public spa, an owner of a recreational pool, public spa, or a limited public-use pool must ensure that, when the pool or spa is open for use, an individual is present and on-site, holding a valid certification for CPR and first aid. Certifications must be from a national organization offering certification such as the American Red Cross, American Heart Association, National Safety Council, the Emergency Medical Services, or an organization that has a certification program in CPR or first aid that is approved by one of these organizations.

A lifeguard must be at least 15 years of age and hold a valid lifeguard certificate from the American Red Cross, the Boy Scouts of America, the Young Men's Christian Association, Ellis and Associates' National Pool and Waterpark Lifeguard Training, or an organization with a lifesaving training program equivalent to that of the American Red Cross.

**Background:** California, Maine, New Hampshire, Oregon, Texas, and Maryland all have regulations setting lifeguard-to-swimmer ratios in camps. Illinois, Kentucky, Oklahoma, and Maryland have regulations setting lifeguard-to-swimmer ratios in public pools, while Mississippi, Montana, North Carolina, Oregon, Vermont, and Maryland have regulations for lifeguard-to-swimmer ratios at child care centers. The National Conference of State Legislatures advises that, while lifeguards are not required to be present at all public swimming pools, all states require lifeguards who are present to be CPR trained and certified.

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.

Lifeguards who obtain lifeguard certification from the American Red Cross receive CPR and first aid certification and training. The bill would require new lifeguards to obtain additional CPR training from the American Heart Association even though they have been certified by the American Red Cross. Lifeguards must renew their CPR certification every two years, and first aid certification every three years.

**State Fiscal Effect:** Two State parks (Dans Mountain and Pocomoke River) have swimming pools. In addition, DNR manages a pool at Somers Cover Marina. All the pools are special funded. It is likely pools operated by the State employ lifeguards that meet the necessary certifications and training requirements of the bill. However, DNR advises the bill's requirement to have an adult on the pool's premises may create scheduling difficulties as many of the lifeguards employed by the State are of high-school age. This provision will also create difficulties in recruiting staff for the summer season, as DNR will have to recruit more adults who meet the bill's requirements. Despite the potential administrative problems, DNR advises that it does not expect the bill to impact park finances.

**Local Fiscal Effect:** Some local governments that operate recreational programs with pools report difficulty meeting the current one lifeguard to 50 swimmers ratio set in regulations. Requiring an adult to be on the pool's premises in addition to one lifeguard may create additional difficulties for local governments. While it is likely pools operated by local governments already employ lifeguards who meet the necessary certifications and training, the bill's requirement to have an adult on pool premises may create scheduling difficulties as many of the lifeguards employed by local governments are of high-school age. During the end of the summer season, some local governments advise they will not be able to maintain the requirement to have one adult on the pool's premises since many of the staff members who are considered adults have left for the summer to return to college.

In addition, some locally operated pools have a small number of patrons and only need to have one lifeguard on duty to comply with the current one lifeguard for 50 swimmers requirement. Under the bill, local expenditures will increase for these types of facilities to have one lifeguard and one adult on the pool's premises at all times. However, some pools operated by local governments may already employ staff who are considered adults and will not experience any difficulties in maintaining one lifeguard and one adult on pool premises.

**Small Business Effect:** Owners of hotels, motels, campgrounds, and bed and breakfast inns would be affected as would health clubs, retirement communities, marinas, condominiums, apartment complexes, housing subdivisions, and mobile home parks. A number of pools in these locations have a small number of patrons, meaning only one

lifeguard is required to be on duty under current law. Under the bill, pool costs will increase for these types of facilities to have one lifeguard and one adult on pool premises.

---

### **Additional Information**

**Prior Introductions:** HB 204 of 2008 received a hearing the House Health and Government Operations Committee, but no further action was taken on the bill.

**Cross File:** Although designated as a cross file, HB 273 (Delegate King - Health and Government Operations) is different.

**Information Source(s):** American Heart Association, American Red Cross, City of Rockville, Department of Natural Resources, National Conference of State Legislatures, Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2010  
mpc/mwc

---

Analysis by: Erin McMullen

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