

No. 1998-75

AN ACT

HB 1597

Amending the act of June 23, 1931 (P.L.899, No.299), entitled "An act regulating public bathing places, swimming pools, public bath houses, public and private natatoriums, turkish bath houses, all places hired for any form of bathing or swimming, and all related appurtenances; fixing license fees; providing, in matters of sanitation, cleanliness and safety, for supervision by the Department of Health; and prescribing penalties for violations," further providing for definitions; requiring lifeguards; and providing for the use of certain pesticides in swimming pools.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2 of the act of June 23, 1931 (P.L.899, No.299), known as the Public Bathing Law, amended July 9, 1984 (P.L.662, No.139), is amended to read:

Section 2. Definitions, as used in this act:

(1) A public bathing place shall mean any place open to the public for amateur and professional swimming or recreative bathing, whether or not a fee is charged for admission or for the use of said place, or any part thereof. Except with respect to the regulation of water supply and content, hygiene and plumbing and electrical facilities, and safety equipment, a public bathing place shall not include a swimming pool, lake or pond owned, operated and maintained for the exclusive use and enjoyment of residents of a condominium or cooperative or members of a property-owners association or the personal guests of such residents or members.

(2) A swimming pool shall mean a place in the open or enclosed in any structure or building for the purpose of admitting two or more persons to bathe or swim together.

(3) A natatorium shall mean a place in any building, or parts of buildings, maintained and conducted by any person or persons, club, corporation, association, or society or other organization, where fees are charged to public or member patrons for swimming, bathing, turkish, swedish or other forms of bathing.

(4) Department shall mean the Department of Health of this Commonwealth.

(5) *A certified lifeguard shall mean an individual who has a current certification in lifeguarding from a certifying authority recognized by the department in a notice published in the Pennsylvania Bulletin.*

(6) *A recreational swimming establishment shall mean a facility that is designed, constructed and/or designated for use by individuals for the primary purpose of swimming, where a fee is charged for admission. This*

definition shall include, but is not limited to, swimming pools, water rides, wave pools and swimming beaches and other outdoor swimming facilities. The term excludes those facilities owned by condominiums, other property owner associations, rental arrangements which include three or more families or social units, hotels or motels, campgrounds, private clubs and private organizations which do not provide access to the general public, swimming facilities used exclusively for hydrotherapy and residential swimming facilities used solely by the owner of a residence, his family and personal guests.

Section 2. Section 3 of the act is amended to read:

Section 3. Classification.—Bathing places shall be classified as follows:

- (1) Natural lakes, ponds, pools, rivers and water streams.
- (2) Outdoor ponds, pools, and streams which may be partly artificial and partly natural.
- (3) Outdoor or indoor bathing or swimming pools and places which are entirely artificial in construction.

(4) *Recreational swimming establishments.*

Section 3. The act is amended by adding sections to read:

Section 4.1. Certified Lifeguards.—

(a) *An adequate number of certified lifeguards shall be on duty at a recreational swimming establishment when the recreational swimming establishment is open to the public.*

(b) *The department shall promulgate regulations to determine the number of lifeguards required at a recreational swimming establishment using objective criteria that take into consideration industry standards. The department shall consult with approved certifying authorities and recreational swimming establishments to develop regulations relating to lifeguards.*

Section 4.2. Swimming Pool Pesticides.—The use of general use pesticides in the care and maintenance of a swimming pool at a private single-family residence by any person is authorized without any certification restrictions imposed by the act of March 1, 1974 (P.L.90, No.24), known as the "Pennsylvania Pesticide Control Act of 1973," or any regulations promulgated thereunder.

Section 4. Section 8 of the act is amended to read:

Section 8. Powers and Authority of the Department.—

(a) The department at all reasonable times shall have access to, and are hereby empowered to enter upon, any and all parts of the premises of any bathing and swimming place used and let for hire to the public or individuals, and to make such examinations and investigations as shall determine the sanitary conditions, *adequate number of certified lifeguards under section 4.1* and all hazards and dangers from fires or anything else and whether the provisions of this act and the rules and regulations of the department are being complied with or are being violated.

(b) If it be determined upon such examination and investigation that any bathing or swimming place is being maintained contrary to the provisions of this act, such bathing and swimming place forthwith shall be closed to all persons, and the bathing or swimming pools be drained and kept dry until provision is made to comply with this law and permission given by the department to reopen the same. Prosecutions also shall be brought and carried to final judgment by the department against each and every person violating any of the provisions of this act.

(c) The department shall, from time to time, make complete and detailed records of all such investigations, inspections and prosecutions.

Section 5. The Department of Health shall promulgate regulations to implement the addition of section 4.1 and the amendment of section 8(a) of the act.

Section 6. This act shall take effect as follows:

(1) The addition of section 4.2 of the act and this section shall take effect immediately.

(2) The addition of section 4.1 of the act shall take effect on the effective date of the regulations promulgated under section 5 of this act.

(3) The remainder of this act shall take effect in 60 days.

APPROVED—The 18th day of June, A.D. 1998.

THOMAS J. RIDGE