

Assistant Commissioner Sarah Bridenbaugh

**Topic**

Sports Report

**Sports Report**

**Sport**

Winter Swimming

**Positive Developments and Highlights**

For the first time in several years, the 2024 State Swimming Championships were not at maximum capacity. All fans in line were admitted to the building prior to the first event beginning in both the prelims and the finals.

**Issues of Concern (legal, playing Rules, fiscal management, etc.)**

Swimming has been on a decline in terms of participation for the last several years and this year, there has a slight uptick in participation. Hopefully, as was the case in golf, participation will rebound with more students being able to participate and have some level of success.

At times, the schools are divided about their desires, but most often, the issue is that some people desire this state event to be a more elite best-in-state event at the expense of ensuring that participation is representative of the entire state. The Board's approval of staff initiative to expand regions is certainly paying dividends recently and every effort should be about increasing the number of opportunities for students. The decline in male participation is even more pronounced than the decline in girls, and this recent expansion of postseason opportunities needs to be given time to allow for growth.

We were instrumental behind the scenes in the recent passage of HB109 (attached) which hopefully will help with costs around hosting meets. Certainly, as the post-pandemic reduction in deck capacity and seating capacity continues, different efforts will have to be made to grow the sport.

**Championship Update/Review**

The first year with the state first rounds met expectations and helped alleviate capacity concerns at all rounds. Thankfully, when the association was challenged with ADA concerns by attendees at this year's state meet, the University had held several seats in the corners to be sure that these individuals could be accommodated. And with the many facilities reducing limits of individuals on deck (including our events hosts from the past), not having the extra competitors on deck helped the situation be managed.

Host schools and participants provided positive feedback about the process of working with KHSAA Staff to host this first round at 3 various sites. Participating schools did provide some feedback to the Staff after the event concerning the time schedule at both rounds, and adjustments can now be made with the benefit of data.

The staff has compiled all of the feedback and will work with the University of Kentucky and our licensed officials to see if additional adjustments can be made in 2025.

The most important piece during this approved three-year trial of

the three-round format (2024, 2025 and 2026) will be the emphasis on local scheduling options. For this reason, an action item at this meeting will be to start the season an additional week early for competition, which will give more regional flexibility. Most of the regions chose to hold the regional meet a week earlier in order to give the athletes more pacing and prep time, but those regions that did not hold it earlier seemed to have the most concerns. Some coaches have expressed concern about the scheduling, and the addition of yet another week on the front end of the season would allow the meets to be conducted with a full non-competition week in between each round of those that desire that spacing. It will be staff's recommendation on the calendar that with the state meet having virtually no option (must be held when Kentucky is away at the SEC meet) the first round state be two weeks before that, and then a local option on when the region is conducted based on a vote of those schools. This may lead to conflicts with facilities such as Louisville and Centre, but those can be worked out in the coming months.

The board should be reminded (especially those that were not around) that the new format had 69 schools in support, compared with 26 that wanted another alternative, and only 20 that wanted to maintain a format with less representation per region (see compiled survey attached). The most critical step in the process of evaluation of the format was that every school had a chance to cast one vote, through its official designated representative, and even the 20 who chose not to vote cannot say they weren't asked.

The last change being proposed on this agenda is a full-circle change in awards being presented. The Commissioner's office believes that rather than being presented by the coaches association (whose membership may not involve the majority of the competing schools), the combined schools' award comes officially under the auspices of the association. This would be a point total-based award but the only eligible schools being those that have both boys and girls teams. This has been given by a variety of sources but was stopped as a KHSAA-sponsored award due to its possible impact on other sports. This concern still remains, but the priority should be recognizing those multi-gender team schools.

**Fiscal and Budget  
Issues and Review  
(attendance, etc.)**

The association financing the three additional meets as state first rounds definitely was not a profit center. Rather, none of these events took in enough revenue to offset expenses, but the gain in participation and recognition make it a worthwhile investment.

1	<p>Continue to have 40 swimmers advance from the regional meets.  Continue to advance 18 automatic qualifiers (2 from each region) and the same same number of at-large qualifiers (22 statewide) from the regions.  Insert an intermediate round (i.e. semi-state, state first round, etc.) with two to three sites.  This could include consideration of rotating region pairings/groupings where geographically feasible and likely allow the season to start one week earlier to accomodate additional week at the end.  This format could also allow for realignment to eight or 10 regions if needed due to postseason region combinations.  Then following this state first round, bring the top 24 competitors in each event to a state preliminary and final competition.</p>
2	<p>Advance a total of 32 competitors in each event from the region to the state.  Reduce the number of at-large qualifiers to 14 per event, leaving the 18 automatic qualifiers.  Then bring only the top 32 in each event to the state preliminaries and finals state meet.</p>
3	<p>Advance a total of 32 competitors in each event from the region to the state.  Reduce the number of automatic qualifiers per region from two to one.  Increase the at-large qualifiers to 23 statewide.  That would set the field to a total of 32 per event to the state preliminaries and finals state meet.</p>
4	<p>Advance a total of 24 competitors to the state meet in each event.  Advance six at-large qualifiers statewide per event.  Advance the 18 automatic qualifiers.  This would bring 24 in each event to the state preliminaries and finals state meet to ensure capacity will hold the meet and allow for other potential schedule changes.</p>
5	<p>Advance a total of 24 competitors to the state meet in each event.  Advance 15 at-large qualifiers statewide per event.  Advance nine automatic qualifiers, one per region.  This would bring 24 in each event to the state preliminaries and finals state meet to ensure capacity will hold the meet and allow for other potential schedule changes.</p>

REGION	OPTION1	OPTION2	OPTION3	OPTION4	OPTION5
1	4	2	2	2	0
2	11	3	1	0	1
3	9	7	0	0	0
4	11	2	0	0	0
5	10	3	2	0	0
6	7	1	3	3	3
7	7	2	5	2	1
8	5	0	6	1	0
9	5	4	1	2	0
TOTAL	69	24	20	10	5

DID NOT VOTE	20
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<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Adair County	5	3	OPTION2
Allen County-Scottsville	4	2	OPTION1
Anderson County	8	6	OPTION1
Apollo	3	2	OPTION1
Ashland Blazer	16	9	OPTION1
Assumption	7	5	OPTION1
Atherton	7	5	OPTION1
Ballard	7	5	OPTION1
Barbourville	13	9	DID NOT VOTE
Bardstown	5	3	OPTION1
Barren County	4	2	OPTION1
Beechwood	9	7	OPTION5
Belfry	15	9	OPTION2
Berea	11	9	DID NOT VOTE
Bethlehem	5	3	DID NOT VOTE
Boone County	9	7	OPTION1
Bourbon County	10	8	OPTION1
Bowling Green	4	2	OPTION2
Boyd County	16	9	OPTION1
Boyle County	12	6	OPTION3
Brown	7	5	OPTION1
Bryan Station	11	8	OPTION3
Bullitt East	6	4	OPTION1
Butler	6	4	OPTION1
Butler County	3	2	OPTION1
Calvary Christian	10	7	OPTION1
Campbell County	10	7	OPTION4
Campbellsville	5	3	OPTION2
Central	7	4	OPTION1
Central Hardin	5	3	OPTION2
Christian Academy-Louisville	7	5	OPTION1
Christian County	2	1	OPTION1
Collins	8	6	OPTION4
Conner	9	7	OPTION3
Cooper	9	7	OPTION2
Corbin	13	9	OPTION3
Covington Catholic	9	7	OPTION3
Covington Latin	9	7	OPTION4
Danville	12	6	OPTION5
Daviess County	3	2	OPTION5
DeSales	6	4	OPTION1
Dixie Heights	9	7	OPTION3
Doss	6	4	OPTION1

<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
DuPont Manual	7	4	OPTION1
East Jessamine	12	6	DID NOT VOTE
Eastern	7	5	OPTION1
Elizabethtown	5	3	OPTION2
Eminence	8	6	OPTION1
Fairdale	6	4	OPTION2
Fern Creek	6	5	OPTION1
Fleming County	16	9	OPTION1
Fort Campbell	2	1	OPTION1
Fort Knox	5	3	OPTION2
Francis Parker	7	4	OPTION1
Frankfort	11	6	OPTION3
Franklin County	11	6	DID NOT VOTE
Franklin-Simpson	4	2	OPTION1
Frederick Douglass	11	8	DID NOT VOTE
Garrard County	12	6	OPTION4
George Rogers Clark	10	8	OPTION1
Glasgow	4	2	OPTION1
Great Crossing	11	8	DID NOT VOTE
Green County	5	3	DID NOT VOTE
Greenwood	4	2	OPTION3
Henderson County	2	1	OPTION2
Henry Clay	11	8	OPTION3
Henry County	8	6	OPTION5
Highlands	9	7	OPTION3
Holmes	9	7	OPTION1
Holy Cross (Covington)	9	7	OPTION3
Hopkins County Central	2	1	OPTION1
Hopkinsville	2	1	OPTION1
John Hardin	5	3	OPTION1
Johnson Central	15	9	OPTION1
Kentucky Country Day	7	5	OPTION2
Kentucky School f/t Blind	7		DID NOT VOTE
Knox Central	13	9	OPTION2
Lafayette	11	8	OPTION3
Lexington Catholic	11	8	DID NOT VOTE
Lexington Christian	11	8	OPTION4
Lincoln County	12	6	OPTION1
Logan County	4	2	OPTION2
Louisville Collegiate	7	5	OPTION2
Madison Central	11	9	OPTION4
Madison Southern	11	9	DID NOT VOTE

<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Madisonville-North Hopkins	2	1	OPTION4
Male	7	4	OPTION1
Marion County	5	3	OPTION2
Marshall County	1	1	OPTION3
Mason County	10	8	OPTION1
McCracken County	1	1	OPTION2
Meade County	3	3	OPTION1
Mercy	6	5	OPTION3
Model	11	9	OPTION2
Monroe County	4	2	OPTION1
Montgomery County	10	8	OPTION3
Moore	6	5	DID NOT VOTE
Muhlenberg County	3	2	OPTION2
Murray	1	1	OPTION4
Nelson County	5	3	DID NOT VOTE
North Bullitt	6	4	OPTION1
North Hardin	5	3	OPTION1
North Laurel	13	9	OPTION2
North Oldham	8	6	OPTION3
Notre Dame	9	7	OPTION2
Ohio County	3	2	DID NOT VOTE
Oldham County	8	6	OPTION1
Owensboro	3	2	OPTION1
Owensboro Catholic	3	2	OPTION1
Paducah Tilghman	1	1	OPTION3
Paris	10	8	OPTION3
Paul Laurence Dunbar	11	8	OPTION3
Presentation	7	4	OPTION1
Pulaski County	12	3	OPTION1
Rockcastle County	12	9	DID NOT VOTE
Rowan County	16	9	OPTION1
Russell	16	9	OPTION4
Russell County	4	3	OPTION1
Russellville	4	2	DID NOT VOTE
Ryle	9	7	DID NOT VOTE
Sacred Heart	7	5	OPTION2
Sayre	11	8	OPTION1
Scott	10	7	OPTION1
Scott County	11	8	DID NOT VOTE
Seneca	7	5	OPTION1
Shawnee	7	4	DID NOT VOTE
Shelby County	8	6	OPTION4

<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Simon Kenton	8	7	OPTION1
Somerset	12	3	OPTION1
South Laurel	13	9	DID NOT VOTE
South Oldham	8	6	OPTION1
South Warren	4	2	OPTION1
Southwestern	12	3	OPTION1
Spencer County	8	6	OPTION5
St. Henry District	9	7	OPTION1
St. Xavier	7	4	OPTION2
Tates Creek	11	8	OPTION1
Taylor County	5	3	OPTION2
Thomas Nelson	5	3	OPTION1
Trinity (Louisville)	7	5	OPTION3
Villa Madonna	9	7	OPTION1
Waggener	7	5	OPTION1
Warren East	4	2	OPTION1
West Jessamine	12	6	OPTION1
Western	6	4	OPTION1
Western Hills	11	6	OPTION1
Whitefield Academy	6	5	OPTION1
Woodford County	8	6	OPTION2



<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Allen County-Scottsville	4	2	OPTION1
Anderson County	8	6	OPTION1
Apollo	3	2	OPTION1
Ashland Blazer	16	9	OPTION1
Assumption	7	5	OPTION1
Atherton	7	5	OPTION1
Ballard	7	5	OPTION1
Bardstown	5	3	OPTION1
Barren County	4	2	OPTION1
Boone County	9	7	OPTION1
Bourbon County	10	8	OPTION1
Boyd County	16	9	OPTION1
Brown	7	5	OPTION1
Bullitt East	6	4	OPTION1
Butler	6	4	OPTION1
Butler County	3	2	OPTION1
Calvary Christian	10	7	OPTION1
Central	7	4	OPTION1
Christian Academy-Louisville	7	5	OPTION1
Christian County	2	1	OPTION1
DeSales	6	4	OPTION1
Doss	6	4	OPTION1
DuPont Manual	7	4	OPTION1
Eastern	7	5	OPTION1
Eminence	8	6	OPTION1
Fern Creek	6	5	OPTION1
Fleming County	16	9	OPTION1
Fort Campbell	2	1	OPTION1
Francis Parker	7	4	OPTION1
Franklin-Simpson	4	2	OPTION1
George Rogers Clark	10	8	OPTION1
Glasgow	4	2	OPTION1
Holmes	9	7	OPTION1
Hopkins County Central	2	1	OPTION1
Hopkinsville	2	1	OPTION1
John Hardin	5	3	OPTION1
Johnson Central	15	9	OPTION1
Lincoln County	12	6	OPTION1
Male	7	4	OPTION1
Mason County	10	8	OPTION1
Meade County	3	3	OPTION1
Monroe County	4	2	OPTION1
North Bullitt	6	4	OPTION1

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North Hardin	5	3	OPTION1
Oldham County	8	6	OPTION1
Owensboro	3	2	OPTION1
Owensboro Catholic	3	2	OPTION1
Presentation	7	4	OPTION1
Pulaski County	12	3	OPTION1
Rowan County	16	9	OPTION1
Russell County	4	3	OPTION1
Sayre	11	8	OPTION1
Scott	10	7	OPTION1
Seneca	7	5	OPTION1
Simon Kenton	8	7	OPTION1
Somerset	12	3	OPTION1
South Oldham	8	6	OPTION1
South Warren	4	2	OPTION1
Southwestern	12	3	OPTION1
St. Henry District	9	7	OPTION1
Tates Creek	11	8	OPTION1
Thomas Nelson	5	3	OPTION1
Villa Madonna	9	7	OPTION1
Waggener	7	5	OPTION1
Warren East	4	2	OPTION1
West Jessamine	12	6	OPTION1
Western	6	4	OPTION1
Western Hills	11	6	OPTION1
Whitefield Academy	6	5	OPTION1

<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Adair County	5	3	OPTION2
Belfry	15	9	OPTION2
Bowling Green	4	2	OPTION2
Campbellsville	5	3	OPTION2
Central Hardin	5	3	OPTION2
Cooper	9	7	OPTION2
Elizabethtown	5	3	OPTION2
Fairdale	6	4	OPTION2
Fort Knox	5	3	OPTION2
Henderson County	2	1	OPTION2
Kentucky Country Day	7	5	OPTION2
Knox Central	13	9	OPTION2
Logan County	4	2	OPTION2
Louisville Collegiate	7	5	OPTION2
Marion County	5	3	OPTION2
McCracken County	1	1	OPTION2
Model	11	9	OPTION2
Muhlenberg County	3	2	OPTION2
North Laurel	13	9	OPTION2
Notre Dame	9	7	OPTION2
Sacred Heart	7	5	OPTION2
St. Xavier	7	4	OPTION2
Taylor County	5	3	OPTION2
Woodford County	8	6	OPTION2

<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Boyle County	12	6	OPTION3
Bryan Station	11	8	OPTION3
Conner	9	7	OPTION3
Corbin	13	9	OPTION3
Covington Catholic	9	7	OPTION3
Dixie Heights	9	7	OPTION3
Frankfort	11	6	OPTION3
Greenwood	4	2	OPTION3
Henry Clay	11	8	OPTION3
Highlands	9	7	OPTION3
Holy Cross (Covington)	9	7	OPTION3
Lafayette	11	8	OPTION3
Marshall County	1	1	OPTION3
Mercy	6	5	OPTION3
Montgomery County	10	8	OPTION3
North Oldham	8	6	OPTION3
Paducah Tilghman	1	1	OPTION3
Paris	10	8	OPTION3
Paul Laurence Dunbar	11	8	OPTION3
Trinity (Louisville)	7	5	OPTION3

<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Campbell County	10	7	OPTION4
Collins	8	6	OPTION4
Covington Latin	9	7	OPTION4
Garrard County	12	6	OPTION4
Lexington Christian	11	8	OPTION4
Madison Central	11	9	OPTION4
Madisonville-North Hopkins	2	1	OPTION4
Murray	1	1	OPTION4
Russell	16	9	OPTION4
Shelby County	8	6	OPTION4

<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Beechwood	9	7	OPTION5
Danville	12	6	OPTION5
Daviess County	3	2	OPTION5
Henry County	8	6	OPTION5
Spencer County	8	6	OPTION5

<b>NAME</b>	<b>KHSAA_REGION</b>	<b>SW_REGION</b>	<b>CHOICE</b>
Barbourville	13	9	DID NOT VOTE
Berea	11	9	DID NOT VOTE
Bethlehem	5	3	DID NOT VOTE
East Jessamine	12	6	DID NOT VOTE
Franklin County	11	6	DID NOT VOTE
Frederick Douglass	11	8	DID NOT VOTE
Great Crossing	11	8	DID NOT VOTE
Green County	5	3	DID NOT VOTE
Kentucky School f/t Blind	7		DID NOT VOTE
Lexington Catholic	11	8	DID NOT VOTE
Madison Southern	11	9	DID NOT VOTE
Moore	6	5	DID NOT VOTE
Nelson County	5	3	DID NOT VOTE
Ohio County	3	2	DID NOT VOTE
Rockcastle County	12	9	DID NOT VOTE
Russellville	4	2	DID NOT VOTE
Ryle	9	7	DID NOT VOTE
Scott County	11	8	DID NOT VOTE
Shawnee	7	4	DID NOT VOTE
South Laurel	13	9	DID NOT VOTE



Andy Beshear  
GOVERNOR

## CABINET FOR HEALTH AND FAMILY SERVICES

### DEPARTMENT FOR PUBLIC HEALTH

275 East Main Street, HS1GW-A  
Frankfort, Kentucky 406 21  
Phone: (502) 56 4-4068  
Fax: (502) 564 -9377

Eric Friedlander  
SECRETARY

Steven Stack, MD  
COMMISSIONER

April 18, 2024

RE: Public Swimming Pool Lifeguard Requirements

Dear Public Pool Operators,

2024 General Assembly [House Bill 109](#) became law on April 9, 2024. This statute provides new definitions for Class A and Class B public swimming pools and specifies lifeguard requirements for each of the new classes.

Pursuant to HB 109, Kentucky administrative regulation [902 KAR 10:120](#) pertaining to Kentucky public swimming and bathing facilities will be amended. The regulatory amendment process will occur this calendar year with anticipated completion by the end of 2024. Stakeholder input is desired and there will be a public comment period during which all interested parties are encouraged to participate.

Until a new regulation is finalized through the formal regulatory process, the current version of [902 KAR 10:120](#) remains in effect and will be enforced. The following guidance is provided to assist you as public pool operators:

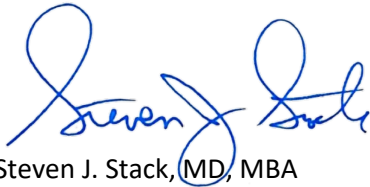
- Until the new regulation is finalized, please continue to comply with current [902 KAR 10:120](#).
- If you have submitted and received formal approval from the Kentucky Department for Public Health (KDPH) for an alternative lifeguard plan, please continue to comply with your custom approved 3<sup>rd</sup> party aquatic safety compliance expert alternative lifeguard plan. These approved plans will remain valid under the new regulation.
- Until the new regulation is finalized, local health departments will use citation and education as the principle means of enforcement for good faith compliance with lifeguard requirements. Said differently, pools will not be closed solely due to the number of lifeguards on duty if they are complying reasonably and in good faith with current [902 KAR 10:120](#) and/or the plain-language interpretation of [House Bill 109](#).
- For the 2024 pool season, KDPH encourages you to continue your current lifeguard operations and defer any changes until the new regulation is finalized. Please remember, you will have the opportunity to provide input on the new regulation during the public comment period this year.



Those interested in being notified of the filed administrative regulation can sign up for [RegWatch](#) notification through the Legislative Research Commission. In addition, a public notice of the filed administrative regulation along with information on how to make a public comment will be posted on the Kentucky Department for Public Health [website](#) (scroll down the page to find “Administrative Regulation Notice”) within five days of the filing date.

In the United States, the [Centers for Disease Control and Prevention reports](#) that more children ages 1 – 4 die from drowning than any other cause of death. For children ages 5 – 14, drowning is the second leading cause of unintentional injury death after motor vehicle crashes. Every year in the United States, there are an estimated 4,000 (≈11 per day) fatal unintentional drownings and 8,000 (≈22 per day) non-fatal drownings. KDPH encourages all public pool operators to be familiar with and follow the [Model Aquatic Code](#) and aquatic industry pool safety standards so all Kentuckians can enjoy aquatic activities and exercise while safeguarding the lives of our children and their families.

Sincerely yours,

A handwritten signature in blue ink that reads "Steven J. Stack". The signature is fluid and cursive, with the first name "Steven" and last name "Stack" clearly legible.

Steven J. Stack, MD, MBA

Commissioner

Kentucky Department for Public Health

1 AN ACT relating to swimming pools and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) As used in this section:*

6 *(a) "Class A" means any pool or bathing facility intended for or used by the*  
7 *general public for recreational use; and*

8 *(b) "Class B" means any pool not open to the general public, but open to*  
9 *limited groups and their invited guests, including but not limited to:*

10 *1. Health or athletic clubs;*

11 *2. Country clubs; or*

12 *3. Residential communities.*

13 *(2) (a) Lifeguards shall be required at all Class A and Class B pools if the pool*  
14 *facility meets at least one (1) of the following criteria:*

15 *1. Allows persons seventeen (17) years of age or younger to enter the*  
16 *pool facility enclosure without a responsible adult eighteen (18) years*  
17 *or older;*

18 *2. Contains features such as induced waves or slides that are available*  
19 *for use; or*

20 *3. Contains an entry into the pool from a height above the deck from a*  
21 *diving board, platform, climbing wall or other similar feature, that is*  
22 *available for use.*

23 *(b) If a Class A or Class B pool meets any of the criteria in paragraph (a) of*  
24 *this subsection, it shall provide one (1) lifeguard for each one (1) to one*  
25 *hundred (100) bathers.*

26 *(3) Lifeguards shall be required at all Class A pools that do not meet any of the*  
27 *criteria in subsection (2)(a) of this section if the pool facility has:*

- 1        (a) Two thousand (2,000) square feet or greater of water surface area, in which  
2                case it shall provide one (1) lifeguard for each two thousand (2,000) square  
3                feet or major fraction more than half thereof; or  
4        (b) One hundred (100) or more bathers, in which case it shall provide one (1)  
5                lifeguard for each one hundred (100) or more bathers.
- 6        (4) At a pool where the use is intended for aquatic events, swimming practice, or  
7                swimming competition, the swimming coach or instructor that provides  
8                instruction during the program may count as a lifeguard, provided the coach or  
9                instructor can supervise the entire group.
- 10       (5) Notwithstanding subsections (2) and (3) of this section, the Cabinet for Health  
11               and Family Services may allow Class A and Class B pools to submit an  
12               alternative lifeguard staffing plan that has been certified by a third-party  
13               compliance specialist that is recognized by the Cabinet for Health and Family  
14               Services.
- 15       (6) All Class A and Class B pools shall be equipped with an emergency shut-off  
16               switch to disconnect power to pool recirculation, chemical feed, and electrical  
17               devices engaged with the water circulation system, which is located at a place  
18               quickly accessible to lifeguards and other pool staff, but secure from the public.
- 19       (7) Any pool located on the same plat as a single-family residence and not used in  
20               connection with a home occupation or business shall be exempted from the  
21               provisions of this section.
- 22       (8) The Cabinet for Health and Family Services shall promulgate administrative  
23               regulations in accordance with KRS Chapter 13A to implement this section.

24       ➔Section 2. Whereas swimming pool safety is paramount to all citizens of the  
25 Commonwealth, an emergency is declared to exist, and this Act takes effect upon its  
26 passage and approval by the Governor or upon its otherwise becoming a law.

**Local Government Mandate Statement  
Kentucky Legislative Research Commission  
2024 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 476

**Bill #:** HB 109 SCS 1

**Document ID #:** 8486

**Bill Title:** AN ACT relating to swimming pools and declaring an emergency.

**Sponsor:** Representative Kevin Jackson

Unit of Government:  City  County  Urban-County  
Unified Local  
 Charter County  Consolidated Local  Government

Office(s) Impacted: City parks and recreation facilities

Requirement:  Mandatory  Optional

Effect on  
Powers & Duties:  Modifies Existing  Adds New  Eliminates Existing

**Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government**

HB 109 SCS 1 would establish a classification system for swimming pools as either Class A or Class B and would establish lifeguard requirements each class. Class A pools are those intended for or used by the general public for recreational use. Class B pools are those not open to the general public but open to limited groups and their invited guests. One lifeguard would be required for each 1 to 100 bathers if a pool of either Class:

1. Allows minors without a responsible adult; or
2. Contains a feature such as a wave pool or slides; or
3. Contains a diving board, platform, climbing wall, or similar feature.

In addition, a Class A pool that does not meet any of the criteria 1-3, above, but has 2,000 square feet or more of water surface or has 100 or more bathers shall have one lifeguard for each 2,000 square feet and for each one hundred bathers. Under some circumstances a swimming coach or instructor may count as a lifeguard while acting as a coach or instructor. Class A and Class B pools may be allowed to submit an alternative lifeguard

staffing plan certified by a third-party compliance specialist. The bill would require Class A and Class B pools to have an emergency shut-off to disconnect power to processes involved with the water circulation system. The shut-off would be required to be located so as to be quickly accessible to pool staff but secure from the public.

Pools located on the same plat as single-family residences that are not used in connection with a home occupation or business would be exempt from this section.

Section 2 of the bill declares an emergency and that the Act would be effective on approval by the Governor or its otherwise becoming law.

**HB 109 SCS 1 would have minimal fiscal impact on local governments that fund swimming facilities open to the general public or to a subset of the public.** The requirements of the bill may result in hiring additional lifeguards and resulting wage, fringe benefits, and training expenses. Additional administrative costs to ensure compliance with the bill's requirements may be incurred by cities. However, many aquatic centers already employ lifeguards and so would not incur additional personnel costs. Lifeguards may also be seasonal or temporary labor and collect lower wages. As a result, the fiscal impact of HB 109 SCS 1 on local governments would be minimal.

**Data Source(s):** Kentucky League of Cities; LRC staff

**Preparer:** Jacob Blevins (MS) **Reviewer:** KHC **Date:** 3/15/24