

Regulation of the
Department of Public Health

Concerning
Public Swimming Area Regulations

Regulations adopted after July 1, 2013, become effective upon posting to the website of the Secretary of the State, or at a later date specified within the regulation.

Website posted on
March 17, 2014

Effective Date
March 17, 2014

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January 22, 2014

Approved by the Legislative Regulation Review
Committee on
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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

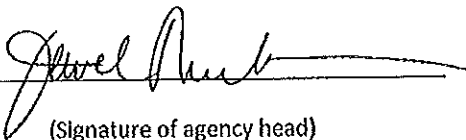
Office of the Commissioner

Electronic Copy Certification Statement

I, Jewel Mullen, M.D., M.P.H., M.P.A., Commissioner of the Department of Public Health, in accordance with the provisions of Section 4-172 of the *General Statutes of the State of Connecticut*, do hereby certify:

That the electronic copy of a regulation concerning Public Swimming Areas, which was approved by the Legislative Regulation Review Committee on February 25, 2014, and which shall be submitted electronically for filing to the Secretary of the State by Jill Kentfield of this agency on March 10, 2014, is a true and accurate copy of the original regulation approved in accordance with Sections 4-169 and 4-170 of the *General Statutes of the State of Connecticut*.

In testimony whereof, I have hereunto set my hand on March 10, 2014.


(Signature of agency head)



Phone: (860) 509-7101 • Fax: (860) 509-7111 • VP: (860) 899-1611
410 Capitol Avenue, P.O. Box 340308
Hartford, Connecticut 06134-0308
www.ct.gov/dph

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R-39 Rev. 03/2012
(Title page)

IMPORTANT: Read Instructions on back of last page (Certification Page) before completing this form. Failure to comply with Instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

Department of Public Health

Concerning

SUBJECT MATTER OF REGULATION

Public Swimming Area Regulations

Section 1. The Regulations of Connecticut State Agencies are amended by adding section 19a-36-B61 as follows:

(NEW) Section 19a-36-B61. Public swimming areas:

(a) Definitions. As used in this section:

- (1) "Public swimming area" means a designated location, together with any buildings, toilet facilities, the water and the land area used in connection therewith, at any natural or artificial pond, lake, stream, tidal water or other body of fresh or salt water that is advertised as a place for swimming and is accessible to the public. Public swimming area does not include: (A) swimming areas in connection with or appurtenant to single family dwellings and used solely by persons residing in such dwellings and such person's guests, including but not limited to those swimming areas accessible only as part of a lake association, beach association or condominium; (B) any state owned or operated swimming areas; and, (C) public swimming pools that are regulated under Section 19-13-B33b of the Regulations of Connecticut State Agencies.
- (2) "Department" means the Department of Public Health.
- (3) "Director of Health" means the director of a local health department or district health department approved by the commissioner as specified in sections 19a-200 and 19a-242 of the Connecticut General Statutes.
- (4) "Notification system" means a public information system used to notify the public regarding lifeguard status and the opening or closing of a public swimming area, including but not limited to, signs or flags.

(b) General requirements. No city, town, borough, institution, person, firm, corporation or other entity shall designate or construct a public swimming area until the director of health for the municipality in which the public swimming area is located has approved the location of such public swimming area. A city, town, borough, institution, person, firm, corporation or other entity operating or maintaining a public swimming area shall comply with the following requirements:

- (1) Every public swimming area shall be provided with on-site toilet facilities unless the director of health determines that adequate toilet facilities are already provided elsewhere. Separate toilets for men and women shall be provided, with at least one toilet for every two hundred women and at least one toilet for every three hundred men, and at least one handwashing sink or hand sanitation station shall be provided with each required toilet. All toilet facilities and restroom accommodations shall be constructed and located so that no contamination of the waters used by the swimmers will occur. Toilets shall be installed with the approval of the director of health so as not to create any health or safety issues. Toilets shall be kept in good repair and maintained at all times in a sanitary condition. The location of all toilet facilities shall be plainly indicated by signs.

- (2) The dressing rooms, hallways, toilet rooms, shower rooms or other rooms to which swimmers have access shall be kept clean, well ventilated, and in good repair. The floors shall also be treated daily with a 0.5% chlorine solution, or other equivalent disinfectant.
- (3) The area open for authorized swimming shall be clearly designated.
- (4) Swimming in public swimming areas shall be restricted to designated areas and during assigned hours of operation.
- (5) Diving shall be permitted only off a diving board. No diving boards greater than sixteen feet in length shall be permitted. The owner of the property shall ensure that the diving area is in compliance with the required water depths at all times.
 - (A) For diving boards of a height of no greater than one meter above the water surface, the diving area shall meet the following requirements:
 - (i) Not have any submerged or overhead obstructions;
 - (ii) Have a minimum water depth at all times of eleven feet for at least sixteen feet linear beyond the plummet of the diving board; and
 - (iii) Have a minimum water depth at all times of eleven feet for at least eight feet horizontal on each side of the plummet of the diving board.
 - (B) For diving boards of a height greater than one meter above the water surface, the diving area shall meet the following requirements:
 - (i) Not have any submerged or overhead obstructions;
 - (ii) Have a minimum water depth at all times of twelve feet for at least sixteen feet linear beyond the plummet of the diving board; and
 - (iii) Have a minimum water depth at all times of twelve feet for at least eight feet horizontal on each side of the plummet of the diving board.
 - (C) When no diving board is present, a sign stating the following shall be conspicuously posted: "No diving is permitted".
- (6) Lifeguard services.
 - (A) When no lifeguard service is provided, one or more warning signs shall be posted in one or more visible locations. The warning sign shall state "Warning – No Lifeguard on Duty" with letters that are legible and at least four inches high.
 - (B) During the period when the swimming area is open for use, when lifeguard service is provided, the owner of the property shall provide the following:
 - (i) A notification system to alert swimmers as to where and when lifeguard services are available;
 - (ii) Appropriate lifesaving equipment, including, but not limited to, a rescue tube, to each lifeguard on duty that the lifeguard has been trained to use;
 - (iii) A telephone or equivalent emergency communication device for emergency use when the area is staffed by a lifeguard; and
 - (iv) A raised stand at least four feet in height for the lifeguard, placed such that all areas of the public swimming area are visible from the stand to the one or more lifeguards on duty. The director of health may approve an appropriate alternative to the four foot high raised stand if the director of health determines that all points of the public swimming area can still be visible to the lifeguard on duty.
- (7) All public swimming areas shall have a sign posted in one or more visible locations, with signage not less than a half-inch type in size, containing the following information:
 - (A) Hours of lifeguard coverage if applicable;
 - (B) Emergency phone information indicating whether a phone is available; and
 - (C) Location of the nearest first aid unit if one is provided on the premises.
- (8) Whenever a public swimming area is closed or reopened pursuant to the provisions of this subsection, the director of health shall comply with the following requirements:

- (A) Closure: immediately have put in place a notification system, in one or more conspicuous locations, including the immediate swimming area, notifying swimmers of the sections of the public swimming area that are closed.
- (B) Reopening: have removed all closure notifications.
- (9) The following shall be prohibited in all public swimming areas: (A) boats, unless used for rescue purposes; (B) washing of persons and articles; (C) littering; and (D) glass containers.
- (10) Domestic animals shall be prohibited in the water and on the immediate shoreline associated with the water of a public swimming area when the public swimming area is open for use.
- (11) The director of health may:
 - (A) Inspect all public swimming areas to determine compliance with the provisions of this section.
 - (B) Issue an order which may result in a closure of the public swimming area, in part or in whole, to the owner of the public swimming area, when the director of health determines:
 - (i) There is a violation of the provisions of this section; or
 - (ii) The public swimming area is not being maintained in acceptable sanitary conditions; or
 - (iii) A condition is found that constitutes a public health hazard, safety hazard or a health nuisance to the swimmers; or
 - (iv) There is evidence of communicable disease being transmitted in order to end the transmission of the disease.

The public swimming area shall remain closed until such time as the director of health determines that the cause for closure has been corrected.

Sec. 2. Section 19-13-B27a(i) of the Regulations of Connecticut State Agencies is amended to read as follows:

(i) [Swimming and bathing facilities.] Public swimming pools and public swimming areas. [Swimming and bathing facilities] Public swimming pools and public swimming areas, when provided, shall comply with the provisions of sections [19-13-B33a, 19-13-B34 and 19-13-B36] 19-13-B33b and 19a-36-B61 of the Regulations of Connecticut State Agencies.

Sec. 3. Section 19-13-B29(g) of the Regulations of Connecticut State Agencies is amended to read as follows:

(g) [Swimming and bathing facilities.] Public swimming pools and public swimming areas. [Swimming and bathing facilities] Public swimming pools and public swimming areas, if provided, shall comply with the provisions of sections [19-13-B33a, 19-13-B34 and 19-13-B36] 19-13-B33b and 19a-36-B61 of the Regulations of Connecticut State Agencies.

Sec. 4. Section 19a-2a-29(c)(8) of the Regulations of Connecticut State Agencies is amended to read as follows:

(8) [Swimming and Bathing Facilities.] Public swimming pools and public swimming areas. [Swimming and bathing facilities] Public swimming pools and public swimming areas, if provided within a family campground, shall comply with sections 19-13-B33b [and/or section 19-13-B34 and section 19-13-B36] and 19a-36-B61 of the Regulations of Connecticut State Agencies for all public swimming pools and public [bathing] swimming areas.

Sec. 5. Section 19a-79-7a(i) of the Regulations of Connecticut State Agencies is amended to read as follows:

(i) [Swimming, wading and bathing facilities.] Public swimming pools, wading and public swimming areas. [Swimming, wading and bathing facilities], Public swimming pools, wading and public swimming areas if provided, shall comply with the provisions of sections 19-13-B33b[, 19-13-B34] and [19-13-B36] 19a-36-B61 of the Regulations of Connecticut State Agencies. No wading

pools shall be used. No day care child shall be permitted in a hot tub, spa or sauna. Hot tubs, spas and saunas shall be locked and inaccessible to children.

Sec 6. Section 17a-145-86 of the Regulations of Connecticut State Agencies is amended to read as follows:

Each child shall be instructed, as appropriate to his or her own age level, in safety procedures, including fire drills, civil defense and safe use of electrical or power equipment. All use of such equipment shall be under the supervision of a competent adult. Safety procedures for [waterfront and swimming pools] public swimming pools and public swimming areas shall be maintained. All on-grounds pools shall be enclosed with safety fences and shall be regularly tested to ensure that the pools are free of contamination. A certified individual shall be on duty when the children in care are swimming. A certified individual is one who has a current water safety instructor's certificate or senior lifesaving certificate from the Red Cross or its equivalent. The [waterfront or pool] public swimming pool or public swimming area shall be properly maintained and have proper safety equipment available. The public swimming pool shall be inspected under section [19-13-B33a] 19-13-B33b, and the [waterfront] public swimming area under [sections 19-13- B34 or 19-13-B36, respectively, of the Connecticut General Statutes] section 19a-36-B61 of the Regulations of Connecticut State Agencies.


Sec. 7. Sections 19-13-B34 and 19-13-B36 of the Regulations of Connecticut State Agencies are repealed.

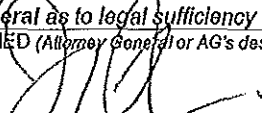
R-39 Rev. 03/2012
(Certification page—see Instructions on back)

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

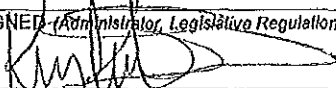
- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
 - a. Connecticut General Statutes section(s) 19a-36.
 - b. Public Act Number(s) _____.
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)
- 3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the Connecticut Law Journal on July 7, 2009 and again on the State of Connecticut Regulations website on 10/15/2013;
(Insert date of notice publication if publication was required by CGS Section 4-168.)
- 4) And that a public hearing regarding the proposed regulations was held on _____;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)
- 5) And that said regulations are EFFECTIVE (check one, and complete as applicable)
 - When filed with the Secretary of the State
 - OR on (insert date) _____

DATE <u>1/9/2014</u>	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED <u>Commissioner</u>
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended		
DATE <u>1/22/14</u>	SIGNED (Attorney General or AG's designated representative) 	OFFICIAL TITLE, DULY AUTHORIZED <u>ASST. ATTY. GENERAL</u>

*Proposed regulations are DEEMED APPROVED by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.
(For Regulation Review Committee Use ONLY)*

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <u>Feb 25, 2014</u>	SIGNED (Administrator, Legislative Regulation Review Committee) 
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)