

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 309

Senator Gavarone

A BILL

To amend section 3749.01 of the Revised Code to
allow certified swimming classes to take place
at a private residential swimming pool without
requiring the pool's operator to obtain a public
swimming pool license and to declare an
emergency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3749.01 of the Revised Code be
amended to read as follows:

Sec. 3749.01. As used in sections 3749.01 to 3749.10 of
the Revised Code:

(A) "Board of health" means a city board of health or a
general health district, or an authority having the duties of a
city board of health as authorized by section 3709.05 of the
Revised Code.

(B) "Health district" means any city or general health
district created pursuant to section 3709.01 of the Revised
Code.

(C) "Person" means the state, any political subdivision,

special district, public or private corporation, individual, 19
firm, partnership, association, or any other entity. 20

(D) "Licensor" means a city board of health or a general 21
health district, an authority having the duties of a city board 22
of health as authorized pursuant to section 3709.05 of the 23
Revised Code, or the director of ~~the department of~~ health when 24
acting under section 3749.07 of the Revised Code. 25

(E) "Director" means the director of ~~the department of~~ 26
health or ~~his~~ an authorized representative of the director of 27
health. 28

(F) "Private residential swimming pool" means any indoor 29
or outdoor structure, chamber, or tank containing a body of 30
water for swimming, diving, or bathing located at a dwelling 31
housing no more than three families and used exclusively by ~~the~~ 32
any of the following: 33

(1) The dwelling's residents and their; 34

(2) The resident's nonpaying guests; 35

(3) A paying guest of a resident if such guest is 36
participating in a certified swimming class conducted by a 37
certified swimming instructor and the instructor is conducting 38
the certified swimming class on a one-on-one basis. 39

(G) "Public swimming pool" means any indoor or outdoor 40
structure, chamber, or tank containing a body of water for 41
swimming, diving, or bathing that is intended to be used 42
collectively for swimming, diving, or bathing and is operated by 43
any person whether as the owner, lessee, operator, licensee, or 44
concessionaire, regardless of whether or not a fee is charged 45
for use, but does not mean any public bathing area or private 46
residential swimming pool. 47

(H) "Public spa" means any public swimming pool that is 48
typically operated as a smaller, higher temperature pool for 49
recreational or nonmedical uses. 50

(I) "Special use pool" means a public swimming pool 51
containing flume slides, wave generating equipment, or other 52
special features that necessitate different design and safety 53
requirements. "Special use pool" does not include any water 54
slide or wave generating pool at a public amusement area which 55
is licensed and inspected by the department of agriculture 56
pursuant to sections 1711.50 to 1711.57 of the Revised Code. 57

(J) "Public bathing area" means an impounding reservoir, 58
basin, lake, pond, creek, river, or other similar natural body 59
of water. 60

(K) "Certified swimming class" means an infant swimming 61
resource (ISR) class; an American red cross swimming class, 62
swimming lesson, or learn-to-swim class; and any other swimming 63
class authorized by the director of health. 64

(L) "Certified swimming instructor" means a certified ISR 65
instructor; a certified American red cross swimming instructor 66
or swim coach; and any other swim instructor authorized by the 67
director of health. 68

Section 2. That existing section 3749.01 of the Revised 69
Code is hereby repealed. 70

Section 3. This act is hereby declared to be an emergency 71
measure necessary for the immediate preservation of the public 72
peace, health, and safety. The reason for such necessity is to 73
continue the essential operation of certified swimming classes. 74
Therefore, this act shall go into immediate effect. 75