COMMITTEE REPORT

March 29, 2012

**S. 1351**

Introduced by Senator Fair

S. Printed 3/29/12--S. [SEC 3/30/12 3:11 PM]

Read the first time March 20, 2012.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (S. 1351) to amend the Code of Laws of South Carolina, 1976, by adding Section 44‑1‑157 so as to specify the number of lifeguards, based on the square footage, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 55, Title 44 of the 1976 Code is amended by adding:

“Section 44-55-2390.(A) As a condition of obtaining and maintaining an operating permit, all Type ‘A’ public swimming pools, as defined in Regulation 61‑51, shall provide lifeguards, as defined in Regulation 61‑51, in accordance with the following:

(1) A public swimming pool of three thousand square feet or fewer must have:

(a) one lifeguard for one through twenty‑five patrons;

(b) two lifeguards for twenty‑six through fifty patrons;

(c) three lifeguards for fifty‑one through one hundred fifty patrons;

(d) four lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(2) A public swimming pool of three thousand one square feet through six thousand square feet must have:

(a) two lifeguards for one through twenty‑five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) four lifeguards for fifty‑one through one hundred fifty patrons;

(d) five lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(3) A public swimming pool of six thousand one square feet through nine thousand square feet must have:

(a) two lifeguards for one through twenty‑five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) five lifeguards for fifty‑one through one hundred fifty patrons;

(d) six lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(4) A public swimming pool of greater than nine thousand square feet must have:

(a) three lifeguards for one through twenty‑five patrons;

(b) four lifeguards for twenty‑six through fifty patrons;

(c) six lifeguards for fifty‑one through one hundred fifty patrons;

(d) seven lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(B) All Type ‘E’ public swimming pools, as defined in Regulation 61‑51, shall submit to the Department of Health and Environmental Control a lifeguard coverage plan. Upon approval by the department, Type ‘E’ public swimming pools shall provide lifeguards in accordance with their approved plan.

(C) A public swimming pool, as defined in this chapter, required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.

(D) Any request for a variance from these provisions must be made in writing and must include a site‑specific evaluation that demonstrates proof of equivalency with these provisions. The Department of Health and Environmental Control will consider the variance request and will provide written notice of its decision.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑1‑157 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE AND NUMBER OF PATRONS, A TYPE “A” PUBLIC SWIMMING POOL OPERATED BY THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE, MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT AND TO PROVIDE PROCEDURES FOR APPLYING FOR A VARIANCE; AND TO REQUIRE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVAL OF LIFEGUARD COVERAGE PLANS FOR TYPE “E” PUBLIC SWIMMING POOLS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 44 of the 1976 Code is amended by adding:

“Section 44‑1‑157. (A) As a condition of obtaining and maintaining an operating permit, all Type A public swimming pools, as defined in Regulation 61‑51, shall provide lifeguards, as defined in Regulation 61‑51, in accordance with the following:

(1) A public swimming pool of three thousand square feet or fewer must have:

(a) one lifeguard for one through twenty‑five patrons;

(b) two lifeguards for twenty‑six through fifty patrons;

(c) three lifeguards for fifty‑one through one hundred fifty patrons;

(d) four lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(2) A public swimming pool of three thousand one square feet through six thousand square feet must have:

(a) two lifeguards for one through twenty‑five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) four lifeguards for fifty‑one through one hundred fifty patrons;

(d) five lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(3) A public swimming pool of six thousand one square feet through nine thousand square feet must have:

(a) two lifeguards for one through twenty‑five patrons;

(b) three lifeguards for twenty‑six through fifty patrons;

(c) five lifeguards for fifty‑one through one hundred fifty patrons;

(d) six lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(4) A public swimming pool of greater than nine thousand square feet must have:

(a) three lifeguards for one through twenty‑five patrons;

(b) four lifeguards for twenty‑six through fifty patrons;

(c) six lifeguards for fifty‑one through one hundred fifty patrons;

(d) seven lifeguards for one hundred fifty‑one through two hundred fifty patrons;

(e) one additional lifeguard for each one hundred patrons greater than two hundred fifty patrons.

(B) A Type A public swimming pool required to have only one lifeguard shall, at all times, have at least one additional pool staff employee present and available to make an emergency call if necessary.

(C) An operator of a Type A public swimming pool may request a variance from the provisions of subsection (A) by submitting to the department a written description of the:

(1) proposed lifeguard coverage;

(2) the lifeguard coverage required for the pool pursuant to subsection (A);

(3) proof of the equivalency between the proposed coverage and the required coverage.

(D) All Type E public swimming pools, as defined in Regulation 61‑51, shall submit to the Department of Health and Environmental Control a lifeguard coverage plan. Upon approval by the department, Type E public swimming pools shall provide lifeguards in accordance with their approved plan.

The department shall notify the operator in writing of the department’s decision on the variance request, and the department’s decision is final.”

SECTION 2. This act takes effect upon approval by the Governor.

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