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AB-1672 Public swimming pools: lifeguards. (2021-2022)

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Assembly Bill No. 1672

CHAPTER 273

An act to amend Sections 116028 and 116033 of the Health and Safety Code, relating to public swimming pools.

[Approved by Governor September 13, 2022. Filed with Secretary of State September 13, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1672, Boerner Horvath. Public swimming pools: lifeguards.

Existing law requires lifeguard services to be provided for any public swimming pool that is of wholly artificial construction where a direct fee is charged for its use. For all other public swimming pools, existing law requires lifeguard service or signs clearly indicating that the service is not provided. Existing law requires lifeguards who provide lifeguard service to possess current certificates from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or equivalent qualifications, as determined by the State Department of Public Health, and who are trained to administer first aid, in conformance with laws and regulations, and who have no duties to perform other than to supervise the safety of participants in water-contact activities.

This bill would authorize a local public agency that is certified by the United States Lifesaving Association to use qualified lifeguard personnel, as defined, to provide lifeguard services at a public swimming pool if certain requirements are met.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 116028 of the Health and Safety Code is amended to read:

116028. Except as provided in Section 116033, "lifeguard service," as used in this article, means the attendance at a public swimming pool, during periods of use, of one or more lifeguards who possess, as minimum qualifications, current certificates from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or have equivalent qualifications, as determined by the department, and who are trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation in conformance with Section 123725 and the regulations adopted thereunder, and who have no duties to perform other than to supervise the safety of participants in water-contact activities. "Lifeguard services" includes the supervision of the safety of participants in water-contact activities by lifeguards who are providing swimming lessons, coaching or overseeing water-contact sports, or providing water safety instructions to participants when no other persons are using the facilities unless those persons are supervised by separate lifeguard services.

SEC. 2. Section 116033 of the Health and Safety Code is amended to read:

116033. (a) Except as provided in subdivision (b), persons providing aquatic instruction, including, but not limited to, swimming instruction, water safety instruction, water contact activities, and competitive aquatic sports, at a public swimming pool shall possess current certificates from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or have equivalent qualifications, as determined by the department. In addition, these persons shall be certified in standard first aid and cardiopulmonary resuscitation (CPR). All these persons shall meet these qualifications by January 1, 1991. Persons who only disseminate written materials relating to water safety are not persons providing aquatic instruction within the meaning of this section. The requirements of this section shall be waived under either of the following circumstances:

(1) When one or more aquatic instructors possessing the current certificates from an American Red Cross or YMCA of the U.S.A. lifeguard training program, or the equivalent, are in attendance continuously during periods of aquatic instruction.

(2) When one or more lifeguards meeting the requirements of Section 116028 are in attendance continuously during periods of aquatic instruction.

(b) If there is a staffing shortage where a local public agency pool operator, acting in good faith, is unable to maintain required staffing levels to maintain regular operating hours, the local public agency may use qualified lifeguard personnel, as defined in subdivision (c), to provide lifeguard services at a public swimming pool, if both requirements are met:

(1) The public agency is recognized by the United States Lifesaving Association (USLA) as a certified agency capable of administering an ongoing training program.

(2) The legislative body of the public agency makes a finding by resolution stating the use of qualified lifeguard personnel is needed for a time period no longer than 12 months in order to maintain regular operating hours of public swimming pools.

(c) As used in this section, "qualified lifeguard personnel" means a public agency lifeguard who has received and maintains USLA training from a certified agency, is certified in standard first aid and cardiopulmonary resuscitation, and has received additional public swimming pool-specific crossover training, provided by personnel certified by a national training agency, including treatment of spinal injuries, floatation device use techniques, pool extraction and extrication techniques, and submerged rescue techniques.