**South Carolina General Assembly**

119th Session, 2011-2012

**A159, R179, S1351**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Fair

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Introduced in the Senate on March 20, 2012

Introduced in the House on April 17, 2012

Last Amended on April 10, 2012

Passed by the General Assembly on May 2, 2012

Governor's Action: May 14, 2012, Signed

Summary: Number of lifeguards for public swimming pools

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/20/2012 Senate Introduced and read first time ([Senate Journal‑page 71](file:///h:\sj%20archive\2012\03-20-12.docx))

3/20/2012 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 71](file:///h:\sj%20archive\2012\03-20-12.docx))

3/29/2012 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 12](file:///h:\sj%20archive\2012\03-29-12.docx))

3/30/2012 Scrivener's error corrected

4/10/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 17](file:///h:\sj%20archive\2012\04-10-12.docx))

4/10/2012 Senate Read second time ([Senate Journal‑page 17](file:///h:\sj%20archive\2012\04-10-12.docx))

4/10/2012 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 17](file:///h:\sj%20archive\2012\04-10-12.docx))

4/11/2012 Senate Read third time and sent to House ([Senate Journal‑page 25](file:///h:\sj%20archive\2012\04-11-12.docx))

4/17/2012 House Introduced and read first time ([House Journal‑page 10](file:///h:\hj%20archive\2012\04-17-12.docx))

4/17/2012 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 10](file:///h:\hj%20archive\2012\04-17-12.docx))

4/19/2012 House Recalled from Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 27](file:///h:\hj%20archive\2012\04-19-12.docx))

4/26/2012 House Debate adjourned until Tues., 05‑01‑12 ([House Journal‑page 116](file:///h:\hj%20archive\2012\04-26-12.docx))

5/1/2012 House Read second time ([House Journal‑page 26](file:///h:\hj%20archive\2012\05-01-12.docx))

5/1/2012 House Roll call Yeas‑105 Nays‑0 ([House Journal‑page 27](file:///h:\hj%20archive\2012\05-01-12.docx))

5/2/2012 House Read third time and enrolled ([House Journal‑page 6](file:///h:\hj%20archive\2012\05-02-12.docx))

5/8/2012 Ratified R 179

5/14/2012 Signed By Governor

5/17/2012 Effective date 05/14/12

5/21/2012 Act No. 159

**VERSIONS OF THIS BILL**

[3/20/2012](file:///p:\pprever\2011-12\1351_20120320.docx)

[3/29/2012](file:///p:\pprever\2011-12\1351_20120329.docx)

[3/30/2012](file:///p:\pprever\2011-12\1351_20120330.docx)

[4/10/2012](file:///p:\pprever\2011-12\1351_20120410.docx)

[4/19/2012](file:///p:\pprever\2011-12\1351_20120419.docx)

(A159, R179, S1351)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑55‑2390 SO AS TO SPECIFY THE NUMBER OF LIFEGUARDS, BASED ON THE SQUARE FOOTAGE OF THE POOL AND NUMBER OF PATRONS, A TYPE “A” PUBLIC SWIMMING POOL MUST HAVE AS A CONDITION OF OBTAINING AND MAINTAINING AN OPERATING PERMIT; TO REQUIRE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVAL OF LIFEGUARD COVERAGE PLANS FOR TYPE “E” PUBLIC SWIMMING POOLS; TO PROVIDE THAT A POOL REQUIRED TO HAVE ONLY ONE LIFEGUARD MUST HAVE AN ADDITIONAL EMPLOYEE AVAILABLE; AND TO PROVIDE PROCEDURES FOR APPLYING FOR A VARIANCE.**

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

**Lifeguard coverage for public swimming pools**

SECTION 1. Article 23, 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.”

**Time effective**

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

Ratified the 8th day of May, 2012.

Approved the 14th day of May, 2012.

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