



SPONSOR: Rep. Schwartzkopf & Sen. Huxtable
Reps. K. Johnson, Hilovsky, Baumbach; Sen. Hoffner

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 348

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE CONCERNING THE PROVISION OF LIFEGUARDS
AT CERTAIN POOLS.

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

1 Section 1. Amend § 122, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 122. Powers and duties of the Department of Health and Social Services.

4 (3) Adopt, promulgate, amend, and repeal regulations consistent with law, which regulations shall not extend,
5 modify or conflict with any law of this State or the reasonable implications thereof, and which shall be enforced by all
6 state and local public health officials, to do all of the following:

7 d. Provide for the sanitary control of public swimming pools except that no regulation currently existing
8 or hereafter adopted shall require a life guard to be on duty at any pool of any motel, ~~hotel or private campground~~
9 facility hotel, private campground facility, or pool servicing residential communities including but not limited to
10 apartment, townhome, and single family communities provided such pool is not accessible to the general public;

SYNOPSIS

This Act removes the requirement for a lifeguard at a pool exclusively serving a residential or apartment community not accessible to the general public. Under existing law, a lifeguard is not required at a hotel, motel, or campground. A lifeguard is not required in a family community when the pool is or will ultimately be owned by residents. Requiring a lifeguard at a pool that is not accessible to the public increases the cost for private communities which must be passed on to tenants in the form of higher rent. This legislation aligns the statutory and regulatory requirements so that the lifeguard requirement in a rental community is the same as for a single family residential community, hotel, motel, and campground.