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CABINET FOR HEALTH AND FAMILY SERVICES

DEPARTMENT FOR PUBLIC HEALTH

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Eric Friedlander
SECRETARY

Steven Stack, MD
COMMISSIONER

April 18, 2024

RE: Public Swimming Pool Lifeguard Requirements

Dear Public Pool Operators,

2024 General Assembly [House Bill 109](#) became law on April 9, 2024. This statute provides new definitions for Class A and Class B public swimming pools and specifies lifeguard requirements for each of the new classes.

Pursuant to HB 109, Kentucky administrative regulation [902 KAR 10:120](#) pertaining to Kentucky public swimming and bathing facilities will be amended. The regulatory amendment process will occur this calendar year with anticipated completion by the end of 2024. Stakeholder input is desired and there will be a public comment period during which all interested parties are encouraged to participate.

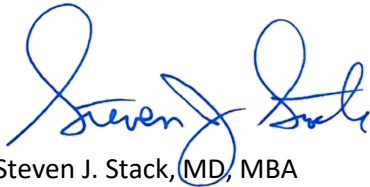
Until a new regulation is finalized through the formal regulatory process, the current version of [902 KAR 10:120](#) remains in effect and will be enforced. The following guidance is provided to assist you as public pool operators:

- Until the new regulation is finalized, please continue to comply with current [902 KAR 10:120](#).
- If you have submitted and received formal approval from the Kentucky Department for Public Health (KDPH) for an alternative lifeguard plan, please continue to comply with your custom approved 3rd party aquatic safety compliance expert alternative lifeguard plan. These approved plans will remain valid under the new regulation.
- Until the new regulation is finalized, local health departments will use citation and education as the principle means of enforcement for good faith compliance with lifeguard requirements. Said differently, pools will not be closed solely due to the number of lifeguards on duty if they are complying reasonably and in good faith with current [902 KAR 10:120](#) and/or the plain-language interpretation of [House Bill 109](#).
- For the 2024 pool season, KDPH encourages you to continue your current lifeguard operations and defer any changes until the new regulation is finalized. Please remember, you will have the opportunity to provide input on the new regulation during the public comment period this year.

Those interested in being notified of the filed administrative regulation can sign up for [RegWatch](#) notification through the Legislative Research Commission. In addition, a public notice of the filed administrative regulation along with information on how to make a public comment will be posted on the Kentucky Department for Public Health [website](#) (scroll down the page to find “Administrative Regulation Notice”) within five days of the filing date.

In the United States, the [Centers for Disease Control and Prevention reports](#) that more children ages 1 – 4 die from drowning than any other cause of death. For children ages 5 – 14, drowning is the second leading cause of unintentional injury death after motor vehicle crashes. Every year in the United States, there are an estimated 4,000 (≈11 per day) fatal unintentional drownings and 8,000 (≈22 per day) non-fatal drownings. KDPH encourages all public pool operators to be familiar with and follow the [Model Aquatic Code](#) and aquatic industry pool safety standards so all Kentuckians can enjoy aquatic activities and exercise while safeguarding the lives of our children and their families.

Sincerely yours,

A handwritten signature in blue ink that reads "Steven J. Stack". The signature is fluid and cursive, with the first name "Steven" and last name "Stack" clearly legible.

Steven J. Stack, MD, MBA

Commissioner

Kentucky Department for Public Health