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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

**S.B. 309**  
**133<sup>rd</sup> General Assembly**

## Bill Analysis

[Click here for S.B. 309's Fiscal Note](#)

**Version:** As Passed by the Senate

**Primary Sponsor:** Sen. Gavarone

Amanda George Goodman, Attorney

### SUMMARY

- Allows a resident of a dwelling with a private residential swimming pool to conduct paid, one-on-one, certified swimming classes at the pool without obtaining a public swimming pool license from the board of health or Department of Health, provided that:
  - The resident is a certified swimming instructor; and
  - There are no more than four people in the pool at the same time during the class.
- Restricts those certified swimming classes to any of the following:
  - Infant Swimming Resource (ISR) classes;
  - American Red Cross swimming classes, swimming lessons, or learn-to-swim classes; and
  - Any other swimming class authorized by a nationally accredited organization that operates in all fifty states.
- Specifies that it is not the intent of the General Assembly that any provision in the bill be interpreted as either limiting or restricting an insurer's ability to do any of the following:
  - Exclude insurance coverage from any insurance policy;
  - Underwrite any insurance policy; or
  - Create, imply, or otherwise grant insurance coverage not found in a policy of insurance.
- Declares an emergency (meaning the bill goes into immediate effect).

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## DETAILED ANALYSIS

### Swimming classes at private pools

The bill allows a resident of a dwelling with a private residential swimming pool to conduct paid, one-on-one, certified swimming classes at the pool without obtaining a public swimming pool license from the board of health or Department of Health, provided that:

1. The resident is a certified swimming instructor; and
2. There are no more than four people in the pool at the same time during the class (for example, the instructor, a student, and the parents of the student).

A private residential swimming pool is a pool that is located at a dwelling housing no more than three families.<sup>1</sup>

To be a certified swimming instructor, the resident must be certified as an Infant Swimming Resource (ISR) instructor, a certified American Red Cross swimming instructor, or an instructor certified by a nationally accredited organization that operates in all 50 states.

Certified swimming classes authorized by the bill are limited to the following:

1. ISR classes;
2. American Red Cross swimming classes, swimming lessons, or learn-to-swim classes; and
3. Any other swimming class certified by a nationally accredited organization that operates in all 50 states.<sup>2</sup>

Under current law, a private residential swimming pool must be used exclusively by a resident and the resident's nonpaying guests – if the resident charges a fee to guests, the pool's operator must be licensed as a public swimming pool operator.<sup>3</sup>

### Intent statement

The bill specifies that it is not the intent of the General Assembly that any provision in the bill be interpreted as either limiting or restricting an insurer's ability to do any of the following:

1. Exclude insurance coverage from any insurance policy;
2. Underwrite any insurance policy; or

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<sup>1</sup> R.C. 3749.01. See R.C. 3749.04, not in the bill. In most instances, a board of health issues licenses for public swimming pools. However, there are circumstances when a board is not authorized to do so. In those cases, the Department of Health issues the licenses. See R.C. 3749.07, not in the bill.

<sup>2</sup> R.C. 3749.01.

<sup>3</sup> R.C. 3749.01(F) and (G). See also R.C. 3749.04, not in the bill.

3. Create, imply, or otherwise grant insurance coverage not found in a policy of insurance.<sup>4</sup>

### **Emergency clause**

The bill also declares an emergency (meaning the bill goes into immediate effect).<sup>5</sup>

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## **HISTORY**

<b>Action</b>	<b>Date</b>
Introduced	05-05-20
Reported, S. Local Gov't, Public Safety, & Veterans Affairs	05-27-20
Passed Senate (32-0)	05-27-20

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<sup>4</sup> Section 3.

<sup>5</sup> Section 4.