

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1350 (Delegate Mautz, *et al.*)
Health and Government Operations

Splash Pads - Lifeguards

This bill prohibits the State, the governing body of a county, or a municipality from requiring a lifeguard to be present at a splash pad when the splash pad is in use. The bill also moves current law provisions authorizing the governing body of a county to adopt and enforce rules and regulations to govern the sanitary condition of splash pads from the Local Government Article to the Public Safety Article. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: Assuming the Maryland Department of Health (MDH), and not another State department, continues to implement statutory provisions related to splash pads, the bill does not materially affect State finances or operations. MDH can update regulations to reflect the bill's changes with existing budgeted staff and resources.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law/Background: Chapters 234 and 235 of 2018 authorized the governing body of a county to adopt and enforce rules and regulations to govern the sanitary condition of “splash pads” and any sanitary feature connected to a splash pad. A “splash pad” is defined as an outdoor play area (1) with sprinklers, fountains, nozzles, or other devices or structures that spray water; (2) in which water is not allowed to accumulate; and (3) that is not used for submersion of the human body.

Generally, a person may not operate a public pool or spa without an annual operating permit issued by the Secretary of Health. The Secretary (or the Secretary's designee) may enter public or private property to inspect and investigate pool conditions at a reasonable time. Local health departments conduct pool inspections.

Under MDH regulations, a "spray pool" is a shallow pool into which treated water is sprayed but not allowed to accumulate. Spray pools are a type of "water recreational attraction," which can include a shallow water pool with permanently installed water play equipment, a spray pool, a tube ride, a water slide, and a wave pool. Regulations require water recreational attractions to incorporate specific design features to minimize safety hazards and allow for communication between supervisors, watchers, and lifeguards.

MDH advises that, under its regulations, "splash pads" are referred to as "spray pools" and are required to meet the requirements of public pools. Most splash pads in Maryland are installed in conjunction with other pools or water features, so there are usually lifeguards present, but they are rarely associated with the splash pad specifically. MDH notes that, in the rare instance that the department has approved a freestanding splash pad/spray pool, the department has waived lifeguard requirements through a variance process established in regulation. Under such a variance, a splash pad can be monitored by a system or an attendant trained in CPR/first aid instead of a lifeguard. However, a certified pool operator is still required to test and record water quality.

Additional Information

Prior Introductions: HB 1374 of 2019, a similar bill, was referred to the House Rules and Executive Nominations Committee, but no further action was taken on the bill.

Designated Cross File: SB 337 (Senator Eckardt) - Judicial Proceedings.

Information Source(s): Maryland Association of County Health Officers; Baltimore, Carroll, Harford, Montgomery, and Queen Anne's counties; City of Westminster; towns of Bel Air and Leonardtown; Maryland Department of Health; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of Legislative Services

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rh/jc

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