



Senator Theresa Gavarone

2nd Ohio Senate District

Sponsor Testimony for Senate Bill 309

Senate Local Government, Public Safety, and Veterans Affairs Committee

May 13, 2020

Chairman Manning, Vice-Chair Brenner, Ranking Member Maharath and my colleagues on the Senate Local Government, Public Safety, and Veterans Affairs Committee, I am thankful to be before you today to talk about an important issue to consider, not just as we fight through the COVID-19 pandemic, but also for the future. Senate Bill 309 would change current law by allowing children to take swim lessons, even if public pools are closed.

A few weeks ago, I received a call from a Wood County certified Infant Swim Resource instructor, who teaches self-rescue swim techniques to children age six months to six years, in her private, residential indoor pool. She teaches children of all abilities, including children who have special needs and sensory sensitivities. Her one-on-one lessons in a private residential pool are an ideal environment for many families. She received a call from the Wood County Health Department, followed up by a letter stating that she can no longer teach lessons in her pool. This constituent was told that she would never be able to certify her residential pool as a public pool. She would have to hire an engineer and redesign her pool, digging up her home foundation to add a second drain, among other things, to comply with public pool standards.

After hearing her story, I did some digging to see if this was something we needed to correct legislatively. After contacting JCARR to make sure this isn't an administrative rule, I connected with the Association of Ohio Health Commissioners and Wood County Health Commissioner Ben Batey to get more information on what to do about changing the law. I was then referred to Warren County Health Commissioner and pool safety expert Duane Stansbury and from there we worked on an idea to tackle the issue. The bill before you today is the result of those conversations.

Because of the COVID-19 pandemic, many cities have made the decision to keep their public pools closed for the season. If public pools are closed and swim lessons cannot legally be given in private residential pools, many children will not be able to take swim lessons this year.

To state it clearly, just because public pools are closed does not mean the risk of drowning decreases. There are lakes (and of course I will shamelessly plug the great Lake Erie in my district),

streams, ponds, private pools and other bodies of water that Ohioans can, have, and will continue to access even during this pandemic. Unfortunately, thousands of young Ohioans cannot legally be taught how to avoid drowning because of a classic example of government overreach. This bill fixes that.

Shockingly, outside of birth defects, drowning accounts for the most deaths of children aged 1-4. Also, according to the CDC, drowning claims the lives of about 1,000 children each year and for every child that dies another five receive emergency department care for non-fatal submersion injuries.¹

Based on my testimony so far, you might not be surprised to learn that drownings are up across the country since the pandemic started. In fact, on Monday I even posted an article to my social media from a news website in Florida that shows drownings have doubled in that state.² I have received information from numerous people showing that Ohio is not immune to that increase either.

By allowing children to receive lessons both in public and private pools we are prioritizing their safety over what I believe is an unnecessary law.

Memorial Day in our state is usually the first day that pools and water parks open for the season, but many families across the state are opening their home pools now. This is a time when kids are home, and parents are more distracted than ever by doing their own work from home. Although it's likely that many public pools won't open this year, the threat of children losing their lives because they haven't learned how to swim will not decrease. My hope is that we can fast-track this bill because temperatures will soon rise, summer will be here, and Ohioans will be outside enjoying the water. We need our children to be prepared.

Chairman Manning, thank you for granting me this chance to testify for Senate Bill 309 and I would be happy to answer any questions you or the members of your committee may have.

¹ The World's Largest Swimming Lesson-

https://www.wsl.org/WLSL/The_Event/Drowning_Data/WLSL/Drowning_Data.aspx?hkey=7f1070a1-83e1-4c58-857d-ea086b4ae231

² Drownings of Florida Children Have Doubled- https://www.wflx.com/2020/05/10/drownings-florida-children-have-doubled/?outputType=amp&fbclid=IwAR3YaBhTSasOYNzJAhiIDVLk3AABJT6FUXk2MgYmZ4duz2CchUX_m_2jW_E