

# AN ACT

To amend section 3749.01 and to enact section 5104.043 of the Revised Code regarding parental notice of serious risks to the health or safety of children receiving child care and to allow certified swimming classes to take place at a private residential swimming pool without requiring the pool's operator to obtain a public swimming pool license and to declare an emergency.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 3749.01 be amended and section 5104.043 of the Revised Code be enacted to read as follows:

Sec. 3749.01. As used in sections 3749.01 to 3749.10 of the Revised Code:

(A) "Board of health" means a city board of health or a general health district, or an authority having the duties of a city board of health as authorized by section 3709.05 of the Revised Code.

(B) "Health district" means any city or general health district created pursuant to section 3709.01 of the Revised Code.

(C) "Person" means the state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.

(D) "Licensor" means a city board of health or a general health district, an authority having the duties of a city board of health as authorized pursuant to section 3709.05 of the Revised Code, or the director of ~~the department of~~ health when acting under section 3749.07 of the Revised Code.

(E) "Director" means the director of ~~the department of~~ health or his an authorized representative of the director of health.

(F) "Private residential swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by ~~the any of the following~~:

(1) The dwelling's residents and their;

(2) The resident's nonpaying guests;

(3) A paying guest of a resident if the guest is participating in a certified swimming class conducted by the resident, provided that both of the following apply:

(a) The resident is a certified swimming instructor and is conducting the certified swimming class on a one-on-one basis.

(b) Not more than four individuals are in the pool at the same time during the class.

(G) "Public swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use, but does

not mean any public bathing area or private residential swimming pool.

(H) "Public spa" means any public swimming pool that is typically operated as a smaller, higher temperature pool for recreational or nonmedical uses.

(I) "Special use pool" means a public swimming pool containing flume slides, wave generating equipment, or other special features that necessitate different design and safety requirements. "Special use pool" does not include any water slide or wave generating pool at a public amusement area which is licensed and inspected by the department of agriculture pursuant to sections 1711.50 to 1711.57 of the Revised Code.

(J) "Public bathing area" means an impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

(K) "Certified swimming class" means an infant swimming resource (ISR) class; an American red cross swimming class, swimming lesson, or learn-to-swim class; and any other swimming class certified by a nationally accredited organization that operates in all fifty states.

(L) "Certified swimming instructor" means a certified ISR instructor; a certified American red cross swimming instructor or swim coach; and any other swim instructor certified by a nationally accredited organization that operates in all fifty states.

Sec. 5104.043. (A) If the department of job and family services determines that an act or omission of a child day-care center, type A family day-care home, or licensed type B family day-care home constitutes a serious risk noncompliance, the licensee shall notify the caretaker parent of each child receiving care in the center or home of the department's determination.

(B) With respect to the notice required by division (A) of this section, all of the following apply:

(1) The licensee shall notify caretaker parents not later than fifteen business days after the department informs the licensee of the department's determination. If the licensee requests a review of the department's determination, the licensee shall notify caretaker parents not later than five business days after the department has completed its review.

(2) The notice shall include a statement informing each caretaker parent of the web site maintained by the department and the location of further information regarding the determination.

(3) The licensee may provide written or electronic notice to caretaker parents.

(4) The licensee shall provide a copy of the notice to the department.

(C) The director of job and family services shall adopt rules to enforce this section.

(D) The requirements of this section do not apply if the department suspends the license of a child day-care center, type A family day-care home, or licensed type B family day-care home pursuant to section 5104.042 of the Revised Code.

SECTION 2. That existing section 3749.01 of the Revised Code is hereby repealed.

SECTION 3. It is not the intent of the General Assembly that any provision of section 3749.01 of the Revised Code, as amended by this act, be interpreted as either limiting or restricting an insurer's ability to do any of the following:

(A) Exclude insurance coverage from any insurance policy;

- (B) Underwrite any insurance policy; or
- (C) Create, imply, or otherwise grant insurance coverage not found in a policy of insurance.

SECTION 4. No notice shall be required under divisions (A) and (B) of section 5104.043 of the Revised Code, as enacted by this act, until such time as the Director of Job and Family Services adopts rules under division (C) of that section.

SECTION 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to continue the essential operation of certified swimming classes and to ensure the safety of children at child care facilities. Therefore, this act shall go into immediate effect.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_