Andy Beshear
Governor

275 East Main Street, 4W-C
Frankfort, KY 40621
www.chfs.ky.gov

Eric C. Friedlander
Secretary

July 12, 2022

Senator Ralph Alvarado, Co-Chair
Representative Kimberly Moser, Co-Chair
c/o DeeAnn Wenk
Interim Joint Committee on Health, Welfare, and Family Services
Legislative Research Commission
104, Capitol Annex
Frankfort KY 40601

Re: 902 KAR 10:120. Kentucky public swimming and bathing facilities.

Dear Co-Chairs Alvarado and Moser:

Following the testimony of Scott Brinkman representing Herschend Entertainment Company, LLC, before the Administrative Regulation Review Subcommittee regarding 902 KAR 10:120, Kentucky public swimming and bathing facilities, the Department for Public Health proposes the attached agency amendment to 902 KAR 10:120. The changes are to allow a public swimming facility that operates seven (7) or more pools or water features to submit a request to the Environmental Management Branch for a variance of the safety equipment required by Section 13 and to allow an exception for the required safety line support by buoys when the swimming pool will be used for organized activities or operated as a wave pool.

To adequately address these additional changes, the department also proposes to amend the Material Incorporated by Reference. The Public Swimming and Bathing Facilities Inspection form (DFS-349) has been amended to add government owned splash pad as a facility type and check boxes for the variance approval. The Public Swimming and Bathing Facilities Beach Inspection Report form (DFS-350) has been amended to correct the inspection scoring system, note that lifeguards are not always required at a beach, and add a note if the beach is ordered for immediate closure. Please feel free to contact Julie Brooks at the department at (502) 564-3970, ext. 4069.

**KENTUCKY CABINET FOR
HEALTH AND FAMILY SERVICES**

Sincerely,

Lucie Estill
Executive Staff Advisor
Office of Legislative and Regulatory Affairs

cc: Emily Caudill, Administrative Regulations Compiler