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Bill Analysis

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Primary Sponsor: Rep. Hall

Jeff Grim, Research Analyst

SUMMARY

- Requires the Director of Health to adopt rules governing the safety of commercial enterprises that allow swimming or other aquatic activities on man-made ponds, lakes, or other similar bodies of water.
- Requires the rules to address several aspects of these activities, including:
 - The design and construction of the facilities, including their components, appurtenant structures, and the surrounding areas;
 - Licensing of the enterprises and inspection of their facilities;
 - Any safety equipment that the owners of the enterprises must maintain.
- Requires the Director of Health to consult with the Director of Agriculture when adopting any rules relating to inflatable devices on man-made ponds, lakes, or other similar bodies of water.

DETAILED ANALYSIS

Background

The Department of Agriculture is generally responsible for regulating amusement rides in Ohio, including aquatic amusement rides (e.g., a water slide that empties into a pool that does not have general swimming). In this role, the Department verifies that rides are assembled, maintained, and operated according to manufacturer's specifications and recommendations. Similarly, the Department of Health is generally responsible for regulating public swimming pools to protect the bathing public from injury, minimize the potential for disease transmission, and

provide a safe and healthy aquatic recreational environment. A public swimming pool does not include a body of water such as a pond, creek, lake, or river.¹

Some aquatic amusement devices are located on open bodies of water such as ponds. In this circumstance, neither the Department of Agriculture nor the Department of Health regulate these devices. According to a spokesperson for the Department of Agriculture, the Department does not regulate or inspect these types of devices because they are “inherently dangerous” and do not meet the definition of “safe operation” under the amusement ride law.² Thus, they are exempt from Department regulation. In addition, the Department of Health does not regulate these types of devices because they are not located at or in a public swimming pool.

Regulation of aquatic rides on bodies of water

The bill requires the Director of Health, in accordance with the Administrative Procedure Act, to adopt rules governing the safety of commercial enterprises that allow swimming or other aquatic activities on man-made ponds, lakes, or other similar bodies of water. Those rules need not address water quality, but must address all of the following:

1. The design and construction of the facilities, including their components, appurtenant structures, and the surrounding areas;
2. Licensing of the enterprises and inspection of their facilities;
3. The number and positioning of lifeguards;
4. First aid, lifeguard, CPR, and any other training that the owners of the enterprises must require employees to obtain;
5. Any records that the owners of the enterprises must keep and maintain;
6. Any safety equipment that the owners of the enterprises must maintain; and
7. Any other rule governing safety that the Director determines is necessary for the effective implementation of the above provisions.³

The Director of Health must consult with the Director of Agriculture when adopting any rules relating to inflatable devices on man-made ponds, lakes, or other similar bodies of water.⁴

¹ R.C. 3749.01(G) and (J), not in the bill.

² R.C. 959.10(J), not in the bill. “Safe operation” is the practical application of maintenance, inspection, and operational processes, as indicated by the manufacturer, owner, or advisory council, that secures a rider from threat of physical danger, harm, or loss (see R.C. 993.01(P), not in the bill).

³ R.C. 3749.021(A).

⁴ R.C. 3749.021(B).

HISTORY

Action	Date
Introduced	10-19-21
