

HOUSE BILL NO. 2398

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHMIDT.

4199H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 210, RSMo, by adding thereto one new section relating to summer and day camps.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 210, RSMo, is amended by adding thereto one new section, to be
2 known as section 210.212, to read as follows:

210.212. 1. This section shall be known and may be cited as "Grant Brown's
2 Show Me a Lifeguard Law".

3 2. As used in this section, the following terms mean:

4 (1) "Aquatic activities", activities that take place in or around a body of water
5 including, but not limited to, swimming, swimming instruction, wading, or visits to
6 water parks. The term does not include water play activities, such as water table play,
7 slip and slide activities, or playing in sprinklers;

8 (2) "Camp counselor", an employee of a summer camp or day camp who
9 interacts with and is responsible for the supervision and safety of children at a summer
10 camp or day camp and engages in activities including, but not limited to, planning and
11 leading group events, maintaining a schedule of activities for children at the camp, and
12 responding to safety or behavioral incidents;

13 (3) "Lifeguard", a person who is trained and certified by the American Red
14 Cross, or an organization or association equivalent to the American Red Cross, in water
15 safety that is appropriate to any body of water, first aid, and cardiopulmonary
16 resuscitation and whose job is to keep an individual who is participating in aquatic
17 activities safe by preventing and responding to water emergencies;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

18 (4) "Medical emergency", an injury or the sudden and, at the time, unexpected
19 onset of a health condition that manifests itself by symptoms of sufficient severity that
20 would lead a prudent layperson, possessing an average knowledge of health and
21 medicine, to believe that the absence of immediate medical care could result in:

- 22 (a) Placing the person's health in significant jeopardy;
23 (b) Serious impairment to a bodily function;
24 (c) Serious dysfunction of any bodily organ or part; or
25 (d) Inadequately controlled pain;

26 (5) "Public swimming pool", any structure, chamber, or tank containing an
27 artificial body of water used by the public for swimming, diving, wading, recreation, or
28 therapy, together with buildings, appurtenances, and equipment used in connection with
29 the body of water, regardless of whether a fee is charged for its use. The term includes
30 municipal, school, hotel, motel, apartment, boardinghouse, athletic club, or other
31 membership facility pools and spas, spas operating for display at temporary events, and
32 artificial swimming lagoons;

33 (6) "Specialized recreational activity", an activity that may expose a child to a
34 risk of serious injury because of the inherent danger of the activity and includes, but is
35 not limited to, zip-lining, diving, boating, horseback riding, rock climbing, shooting
36 sports, high ropes courses, operating all-terrain vehicles, canoeing, and aquatic activities
37 involving a pool or other body of water.

38 3. Any person or organization operating a summer camp or day camp in this
39 state shall ensure that employees of the summer camp or day camp are fully trained and
40 certified when certification exists as an industry standard in operating equipment used
41 in a specialized recreational activity offered by the summer camp or day camp.

42 4. A summer camp or day camp offering aquatic activities shall provide an
43 individual who has a current lifeguard training certificate issued by the Red Cross or
44 other training determined by the department of health and senior services to be
45 equivalent to Red Cross training appropriate for both the type of body of water and
46 type of aquatic activity. A lifeguard supervising a child under this section shall continue
47 any training required to maintain current lifeguard certification. In addition to any
48 applicable rules adopted regarding participation in aquatic activities, the following are
49 required for children participating in aquatic activities at summer camps or day camps:

50 (1) A ratio of two lifeguards for the first twenty-five children and one additional
51 lifeguard for every fifteen children or portion thereof;

52 (2) A lifeguard chair that positions each lifeguard at a height no less than six feet
53 from the ground;

54 **(3) A mandatory swim test in a public swimming pool before aquatic activities**
55 **begin. If a child is unable to swim across the widest part of the public swimming pool, a**
56 **properly fitted, U.S. Coast Guard-approved life jacket is required for that child at all**
57 **times while engaging in aquatic activities; and**

58 **(4) If a U.S. Coast Guard-approved life jacket is required under subdivision (3)**
59 **of this subsection, the life jacket shall meet the following requirements:**

60 **(a) Appropriately sized for the intended child;**

61 **(b) In good and serviceable condition; and**

62 **(c) Properly stowed when not in use, but readily accessible.**

63 **5. Participation in the following types of aquatic activities is prohibited under**
64 **this section:**

65 **(1) Hot tubs;**

66 **(2) Spas;**

67 **(3) Saunas or steam rooms;**

68 **(4) Portable wading pools; and**

69 **(5) Other unfiltered, nondisinfected containments of water.**

70 **6. (1) Any person or organization operating a summer camp or day camp in this**
71 **state shall establish and retain onsite a written site-specific emergency plan, which shall**
72 **be approved by the director of the summer camp or day camp, outlining procedures**
73 **that address the following emergency situations:**

74 **(a) Natural disasters;**

75 **(b) A lost child or children;**

76 **(c) Fires;**

77 **(d) Transportation emergencies;**

78 **(e) Medical emergencies;**

79 **(f) Unauthorized persons on or near the premises of the summer camp or day**
80 **camp;**

81 **(g) Aquatic emergencies, as appropriate for the site; and**

82 **(h) Other emergency situations, as appropriate for the site.**

83 **(2) Summer camp or day camp employees, including the director and camp**
84 **counselors, shall be trained in implementing the emergency plan procedures provided**
85 **for under subdivision (1) of this subsection.**

86 **7. All camp counselors and any director employed by a summer camp or day**
87 **camp shall be trained in cardiopulmonary resuscitation and in the use of an automated**
88 **external defibrillator.**

89 **8. Any specialized recreational activity offered by a summer camp or day camp**
90 **to children attending the camp shall be inspected annually by the relevant state**

91 department including, but not limited to, the department of health and senior services,
92 the department of public safety, or the department of conservation. Such inspections
93 may be completed by local agencies if the standards employed by local personnel are
94 substantially equivalent to state standards and local personnel are available for
95 enforcement of such standards.

96 9. Any person or organization operating a summer camp or day camp in this
97 state shall maintain records of all inspections required under subsection 8 of this section
98 of specialized recreational activities offered by the summer camp or day camp to
99 children attending the summer camp or day camp.

100 10. The department of elementary and secondary education and the department
101 of health and senior services may promulgate all necessary rules and regulations for the
102 administration of this section. Any rule or portion of a rule, as that term is defined in
103 section 536.010, that is created under the authority delegated in this section shall
104 become effective only if it complies with and is subject to all of the provisions of chapter
105 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
106 and if any of the powers vested with the general assembly pursuant to chapter 536 to
107 review, to delay the effective date, or to disapprove and annul a rule are subsequently
108 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
109 adopted after August 28, 2026, shall be invalid and void.