

## Requirements for Public Swimming and Bathing Facilities

In addition to the Healthy at Work [Minimum Requirements](#), **Public swimming and bathing facilities** must meet the requirements below in order to reopen and remain open.

- These requirements replace the Healthy At Work Requirements for Aquatic Centers and Businesses from June 1, 2020 and are applicable to those activities, including exercise, swim lessons, and lifeguard training with groups of 50 or fewer students. If these requirements are followed, they permit pool use for recreation as well.
- Pools must be current on licensing fees and receive opening inspections from their local health department prior to reopening.
- All public swimming and bathing facilities shall continue to comply with the requirements of [902 KAR 10:120](#).
- If a public swimming/bathing facility serves food or operates concessions, it must follow the [Healthy At Work Restaurant Requirements](#).
- Facilities should establish a policy whether to serve visitors who do not adhere to the requirements listed below.

### Social Distancing Requirements

#### **Determine maximum bather load with 6-foot social distancing**

Public swimming and bathing facilities should take the water surface area and divide by 50 square feet to get your maximum in-pool capacity. For instance, a 2000 square foot pool would have a capacity of 40 people ( $2000/50 = 40$ ) to comply with social distancing requirements and the 2013 Kentucky Building Code assuming they all swim at the same time. Maximum capacity within the entire facility should be calculated at 36 square feet per person to comply with social distancing requirements. Any chairs on deck should be spaced at least 6 feet apart on all sides. Public beaches should also be calculated at 36 square feet per person to comply with social distancing requirements.

#### **Public swimming and bathing facilities must:**

- eliminate use of saunas and steam rooms;
- eliminate the use of any waiting areas;
- ensure visitors do not congregate in or around the premises;

- modify traffic flow, to the greatest extent practicable, to minimize contacts between employees and visitors;
- prohibit gatherings or meetings of employees of 50 or more during work hours; and
- permit employees to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable.

**Public swimming and bathing facilities should:**

- provide services and conduct business via phone or Internet to the greatest extent practicable;
- ensure employees use digital files rather than paper formats (e.g., documentation, invoices, inspections, forms, agendas) to the greatest extent practicable;
- communicate with clients and receive payments through contactless payment options (e.g., phone or Internet), to the greatest extent practicable;
- ensure any employees able to perform their job duties via telework (e.g., accounting staff) to continue to telework;
- discourage employees from sharing phones, desks, workstations, handhelds/wearables, or other work tools and equipment to the greatest extent practicable; and
- install floor or wall decals for cashier and other queuing areas to demark safe waiting distances of a six (6) feet minimums.

Swim coaches may be on site, but must maintain a physical distance of at least six (6) feet from their students, other coaches, other swimmers, and spectators at all times, unless the coach is wearing an appropriate face covering.

## **Cleaning and Disinfecting Requirements**

**Public swimming and bathing facilities must:**

- ensure their facilities, including locker rooms, common areas, breakrooms and restrooms are properly and frequently cleaned and ventilated;
- ensure cleaning and sanitation of frequently touched surfaces (i.e., fitting rooms, doors, PIN pads, and common areas) with appropriate disinfectants such as EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 60% alcohol;
- provide hand sanitizer, handwashing facilities, tissues and waste baskets in convenient locations to the greatest extent practicable;

- encourage visitors to properly wash their hands when they arrive at the facility; and
- establish a cleaning and disinfecting process that follows CDC guidelines when any individual is identified, suspected, or confirmed COVID-19 case.

#### **Public swimming and bathing facilities should:**

- ensure disinfecting wipes or other disinfectant are available at shared equipment;
- advise swimmers to not share towels or equipment that has not been properly disinfected;
- encourage patrons to bring their own seating to reduce use of communal of seating;
- frequently sanitize any chair or other shared furniture or objects;
- require patrons to arrive in their swim attire to reserve use of the facilities for restroom purposes only;
- only permit patrons to shower at the facility if it can routinely and adequately clean and sanitize the showers and locker rooms on a frequent basis; and
- ensure any retail items or products that are touched by visitors but not purchased are set aside and appropriately cleaned prior to returning to sales shelves. Businesses should refer to CDC cleaning guidelines for guidance.

### **Personal Protective Equipment (PPE) Requirements**

#### **Public swimming and bathing facilities must:**

- ensure appropriate face coverings and other personal protective equipment (PPE) are used by employees whenever social distancing >6 feet may be compromised so long as such use does not jeopardize the employees' health or safety – lifeguards shall NOT wear masks while on duty as it is a safety hazard; and
- ensure their employees wear face masks for any interactions between visitors and co-workers or while in common travel areas of the business (e.g., aisles, hallways, stock rooms, breakrooms, bathrooms, entries and exits).
- pursuant to Executive Order 2020-586 and 902 KAR 2010E, which are attached to this document, all public swimming and bathing facilities must ensure that all customers, vendors, contractors, and any other member of the public who enters the premises wear a face covering so long as they are not subject to any of the exemptions listed in the Executive Order.

If any person attempts to enter the public swimming and bathing facility without a face covering, the public swimming and bathing facility must inform them of the requirement to wear a face covering. If the individual refuses and is not subject to any of the exemptions listed in the Executive Order, the individual must not be permitted entry onto the premises.

# Healthy at Work



If an individual who was previously wearing a face covering removes it while on the premises and not subject to any of the exemptions listed in the Executive Order, the public swimming and bathing facility must ask them to put it back on. If the individual refuses to do so, the public swimming and bathing facility must not provide them service and must ask them to leave.

Public swimming and bathing facilities who fail to follow these requirements of the Executive Order will be subject to a fine and may also be subject to an order from a local health department or the Labor Cabinet requiring immediate closure.”

Employees are not required to wear face masks while alone in personal offices or if doing so would pose a serious threat to their health or safety.

## **Training and Safety Requirements**

Public swimming and bathing facilities must place conspicuous signage at entrances and throughout the store alerting staff and customers to the required occupancy limits, six feet of physical distance, policy on face coverings, good hygiene practices.

Public swimming and bathing facilities should, to the greatest extent practicable, implement hours where service can be safely provided to clients at higher risk for severe illness per [CDC guidelines](#).

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<sup>1</sup>The Healthy at Work Requirements for Public Swimming and Bathing Facilities shall apply to those facilities defined under 902 KAR 10:120, Section 2(46). The regulation states: "Public swimming and bathing facilities" or "facility" means any natural or artificial body or basin of water which is modified, improved, constructed, or installed for the purpose of public swimming or bathing under the control of any person and includes, but is not limited to, the following:

- (a) Beaches;
- (b) Swimming pools, wading pools, wave pools;
- (c) Competition swimming pools and diving pools;
- (d) Water slides and spray pools; and
- (e) Spas, therapeutic pools, hydrotherapy pools, and whirlpools.

It includes those operated by communities, subdivisions, apartment complexes, condominiums, clubs, camps, schools, institutions, parks, mobile home parks, hotels, recreational areas, or similar public facilities. It does not include any of the above facilities which are at private single family residences intended only for the use of the owner and guests.



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-996**  
**December 3, 2020**

**STATE OF EMERGENCY**

**WHEREAS**, the novel coronavirus (COVID-19) is a respiratory disease causing mild to very severe illness, including death, and many cases of COVID-19 have been confirmed in the Commonwealth; and

**WHEREAS**, I declared on July 9, 2020, through Executive Order 2020-586 that Kentuckians were required to wear face coverings in many public places to fight the continued spread of COVID-19 for the reasons set forth in that Order; and

**WHEREAS**, I renewed that Order: on August 8, 2020, through Executive Order 2020-651; on September 4, 2020, through Executive Order 2020-750; on October 6, 2020, through Executive Order 2020-856, and; on November 4, 2020, through Executive Order 2020-931; and

**WHEREAS**, data from the University of Oxford show an inverse correlation between the number of COVID-19 mitigation measures taken by a state, such as a face covering mandate, and the seriousness of the virus's third spike within that state;

**WHEREAS**, the Centers for Disease Control and Prevention conducted a study of Kansas's face covering mandate, wherein the 24 counties who complied with the mandate experienced a 6% decrease in new COVID-19 infections but the 81 counties who opted out of the mandate experienced a 100% increase in new COVID-19 cases;

**WHEREAS**, the Kentucky Constitution and Kentucky Revised Statutes, including, but not limited to, KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth and the State of Emergency continues:



**ANDY BESHEAR**  
GOVERNOR

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-996**  
**December 3, 2020**

**NOW, THEREFORE**, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and KRS Chapter 39A, do hereby Order and Direct the following:

1. For the purposes of this order, a “face covering” is a material that covers the nose and mouth and is secured to the head with ties, straps, or loops over the ears, or is wrapped around the lower face. It can be made of a variety of materials, including cotton, silk, or linen, and ideally has two or more layers. Face coverings may be factory-made, homemade, or improvised from household items such as scarfs, bandanas, and t-shirts. Guidance on how to make a face covering at home is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>.
2. The provisions of this Order shall apply to members of the public in Kentucky. Existing sector specific requirements mandating face coverings for employees of entities in the Commonwealth remain in effect and are available online at: <https://healthyatwork.ky.gov>.
3. People in Kentucky must cover their nose and mouth with a face covering when they are in the following situations that represent a high risk of COVID-19 transmission:
  - a. While inside, or waiting in line to enter, any: retail establishment; grocery store; pharmacy; hair salon/barbershop; nail salon/spa; tattoo parlor; child care facility; restaurant or bar (when not seated and consuming food or beverage); health care setting, or; any other indoor public space in which it is difficult to maintain a physical distance of at least six feet from all individuals who are not members of that person’s household;
  - b. While waiting for or riding on public transportation or paratransit, or while riding in a taxi, private car service, or ride-sharing vehicle, or driving any of the above while customers are present; or
  - c. While in outdoor public spaces in which the person cannot maintain a physical distance of six feet from all individuals who are not members of



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**Secretary of State**  
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the person's household and is not otherwise covered by previously issued guidance.

4. The following are exempt from wearing face coverings:
- a. Children who are age 5 or younger;
  - b. Any person with disability, or a physical or mental impairment, that prevents them from safely wearing a face covering;
  - c. Any person who is deaf or hard of hearing and is actively communicating, or any person who is actively communicating with someone who is deaf or hard of hearing, and is able to maintain a safe distance of six feet from all individuals who are not members of that person's household;
  - d. Any person engaged in work that a state or federal regulator has concluded would make wearing a face covering a risk to their health or safety;
  - e. Any person who is seated and actively consuming food or beverage at a restaurant, bar, or other establishment that offers food or beverage service;
  - f. Any person who is obtaining a service that requires temporary removal of the face covering in order to perform the service;
  - g. Any person who is required to temporarily remove their face covering to confirm their identity or for security or screening purposes;
  - h. Any person who is giving a speech or broadcast to an audience and is able to maintain a safe distance of six feet from all individuals who are not members of the person's household;
  - i. Any person who is in a swimming pool, lake, or other body of water;
  - j. Any person who is exempt from wearing a face covering under guidance provided by the



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

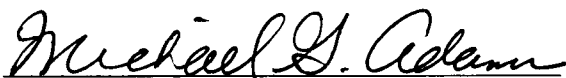
**Secretary of State**  
**Frankfort**  
**Kentucky**

**2020-996**  
**December 3, 2020**

Kentucky High School Athletics Association or  
under guidance for athletic activities at  
institutions of higher education;

- k. Any person who is engaged in a lawful activity where federal or state law prohibits wearing a face covering.
5. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services, is a violation of the Orders issued under KRS Chapter 39A and must result in a loss of access to a business's services. Failure to follow the requirements could also subject a person or entity to penalties as authorized by law.
6. All local, county, and city government offices and agencies are encouraged to adopt or incorporate the requirements provided in this Order.
7. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches, or other constitutional officers to perform their constitutional duties or exercise their authority. However, the legislative and judicial branches, and other constitutional officers, are encouraged to adopt or incorporate the requirements provided in this Order.
8. This Order is effective at 5:00 p.m. on December 3, 2020, for a period of 30 days, and is subject to renewal.

  
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ANDY BESHEAR, Governor  
Commonwealth of Kentucky



**MICHAEL G. ADAMS**  
Secretary of State



RECEIVED AND FILED

DATE

12/4/2020

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MICHAEL G. ADAMS

SECRETARY OF STATE

COMMONWEALTH OF KENTUCKY

BY

Sarah M. Dungen