



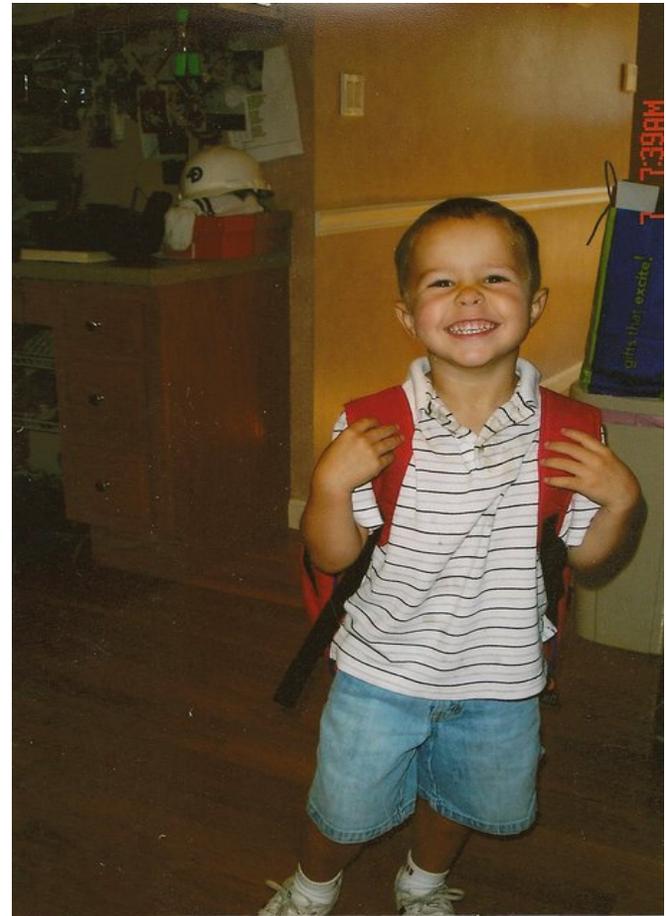
Implementation of Christian's Law

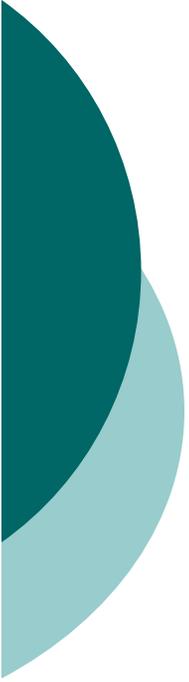
Massachusetts Department of Public Health
Bureau of Environmental Health

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Background

- Massachusetts General Law c. 111, §127A½, is commonly known as “Christian’s Law.”
- The law was named after Christian Frechette, a young boy who tragically lost his life as a result of drowning at a municipal recreational program in 2007.
- The purpose of the law is to ensure the safety of minors participating in municipal or recreational swimming programs or camps in Massachusetts.





Conditions Prior to Passage of Christian's Law

- Prior to the passage of Christian's Law, recreational swimming programs for children had varied oversight
 - Camps regulated under 105 CMR 430.000 et. Seq., were inspected regularly by local health
 - These regulations do not apply to recreational programs run by municipalities due to statutory exemptions and no state oversight existed
 - The child for which this law is named drowned at a municipal program

Requirements of Christian's Law:

Christian's Law requires all municipal or recreational programs or licensed camps that conduct swimming activities at fresh or saltwater beaches to:



- Allow parents or legal guardians to provide their own properly fitting PFD to the child if they so choose;
- Ensure that all minors are swim tested and classified by skill at the first swimming session;
- Provide a properly sized and snug fitting personal flotation device (PFD) Type I, II, or III to all minor children determined to be either a non-swimmer or an at-risk swimmer.

The Need for Regulation:

When Christian's Law was enacted on July 12, 2012, the following provision took effect:

- Municipal and recreational programs or camps are required to allow a parent or legal guardian to provide their own PFD for their child.

However, these sections of the law required regulations for implementation:

- If the child is determined through swim testing to be a non-swimmer or at-risk swimmer, then a properly fitting PFD must be provided by the municipal and recreational program or licensed camp.
- All children participating in swimming activities at municipal and recreational programs or licensed camps, excluding swimming pools, wading pools, and other artificial bodies of water, must be classified according to their individual swimming ability through a swim test prior to entering the water for the first time.



Protecting Young Swimmers

- The proposed regulations require municipal and recreational camps to classify swimmers by using different-colored wristbands
- 1) RED wrist bands are required for those swimmers who have not achieved a Red Cross Level 3, YMCA Minnow swim rating (non-swimmers or at-risk swimmers), or their equivalent.
- 2) BLUE wrist bands are required for each swimmer, regardless of classification, that has a PFD provided by a parent or legal guardian.
- 3) Other colors may be used to designate additional levels of swimming abilities beyond the scope of the regulations.





Implementing Christian's Law - Evaluating Swimming Skills



- The Bureau of Environmental Health's Community Sanitation Program (CSP) evaluated requirements for swimming skill determinations based on classifications developed by safety organizations (e.g., the American Red Cross, the YMCA, and others).
- BEH developed a list of appropriate trainings to prepare camp/program staff on safe and effective swim tests.
- BEH has worked with the U.S. Coast Guard Auxiliary to develop training programs and a video related to fit testing and training certification for swimming instructors.



Implementing Christian's Law – DPH Regulations

- The draft regulations set requirements for the frequency of swimming and safety tests, and the availability of serviceable PFD's.
- Additionally, the regulations address the certification and training of staff supervising minors while swimming at municipal camps.



Implementing Christian's Law – DPH Regulations

The regulations will:

- Require that all swim tests at camps be conducted by certified swim instructors;
- Require "Fit Test" training for all coordinators responsible for storing and maintaining PFD's;
- A swimming level identification process is established, including the use of colored wrist bands to identify non-swimmers and at-risk swimmers and ongoing supervision of designated non-swimmers and at-risk swimmers is provided to ensure the continued use of properly fitting PFDs;
- Provide requirements for camps and municipal programs to maintain USCG-approved PFDs of Type I, Type II or Type III for non-swimmers and at-risk swimmers (those who have a physical, psychological, medical or cognitive disability that could have a negative impact on their swimming ability) who will be present at a swimming or diving area, excluding swimming pools, wading pools or other artificial bodies of water.





Implementing Christian's Law – Further Outreach

- Under current statutory authority, there remains an issue relative to enforcement at municipal and recreational programs (as opposed to private recreational camps). DPH will work with the Legislature to amend Christian's Law to provide local boards of health and DPH with enforcement authority over municipal and recreational programs.
- DPH will continue to work with recreational and municipal camp operators, swim safety advocates, and the Legislature to ensure the intent of the law is fully realized.



Implementing Christian's Law – Regulatory Approval Process

- DPH plans to hold one public hearing to solicit comments on the proposed amendments.
- After the hearing and following the end of the comment period, DPH will review comments, revise the regulations as appropriate, and then present proposed final regulations to the Public Health Council for approval.