



Massachusetts Department of Public Health

Revised Interim Guidance Regarding Christian's Law

April 22, 2016

Overview:

Massachusetts General Law c. 111, §127A½, commonly referred to as “Christian’s Law”, was enacted on July 12, 2012. The Massachusetts Department of Public Health (Department) is preparing to promulgate regulations to implement requirements in the law for municipal and recreational programs and camps to have a system in place for ensuring that Coast Guard approved personal flotation devices (PFDs) are made available to non-swimmers and at-risk swimmers at programs or camps that conduct swimming activities at marine or freshwater beaches. In the meantime, the Department is issuing this guidance document as a reminder that the law is currently in effect, and to assist in compliance with several important aspects of Christian’s Law.

Municipal and recreational programs and licensed camps must: 1) determine each minor’s swimming ability prior to allowing participation in swimming activities; and 2) accept a PFD from a parent or guardian of a minor for the minor to use while in attendance at the program or camp.

Swim Ability Determination:

Christian’s Law, in part, requires that municipal and recreational programs and licensed camps make a determination of each participating minor’s swimming ability at the first swimming session, in order to identify and classify non-swimmers and at-risk swimmers. All participants, including non-swimmers and at-risk swimmers, as well as minors whose parents or guardians have provided a PFD for their child, must then be confined to swimming areas consistent with the limits of their swimming skills or to swimming areas requiring lesser skills than those for which they have been classified.

- Based on input from water safety professionals, the Department recommends that an individual who at testing does not meet criteria for a Red Cross Level 3 swim rating or a YMCA Minnow, be classified as a “non-swimmer,” and that an individual who at testing may or may not have met the criteria for a Red Cross Level 3 swim rating or the YMCA Minnow, but has been determined to have a physical, psychological, medical, or cognitive disability that could negatively impact his/her swimming ability, be classified as an “at-risk swimmer.”
- Christian’s Law requires swim testing at the first swimming session prior to any swimming activities in order to classify each minor’s swimming ability. The Department recommends that this swim test be conducted or overseen by trained staff that hold appropriate certifications from a nationally recognized swim instructor program, such as the American Red Cross (ARC) or the YMCA. The Department, in consultation with representatives for the ARC and the YMCA, recommends professional oversight of swim test determinations by individuals that hold either current ARC Water Safety Instructor (WSI r.09) or YMCA AQ711B - Lifeguard 2011 training certifications. The Department recommends individuals assessing swimming ability meet the following:
 - Hold a current Red Cross Lifeguard Training Certificate, or Royal Bronze Medallion, or Boy Scouts of America Lifeguard Certificate or National Y.M.C.A. Lifeguard Certificate or an equivalent certification, as determined by the Department; and,

- Hold a current American Red Cross CPR Certificate for the Professional Rescuer or American Heart Association CPR Certificate for the Health Care Provider, or National Safety Council CPR Training, or an equivalent certification, as determined by the Department's Office of Emergency Medical Services; and,
 - Hold a Red Cross Standard First Aid Certificate, or a Red Cross Community First Aid and Safety Certificate (which certification may be evidenced by a notation on the back of any Red Cross Lifeguard Training Certificate), or National Safety Council First Aid Training, Level 2, or an equivalent certification, as determined by the Department; and,
 - Have, at a minimum, observed and/or participated in one annual swim test training conducted by a qualified Certified Swim Instructor.
- The Department, in consultation with water safety professionals, recommends that swimming ability determinations be conducted once per summer, at a minimum. Additionally, the Department recommends that swimming ability determinations be conducted at the same or comparable location to where the swimming activities will occur.

Personal Flotation Devices:

Christian's Law requires that municipal and recreational programs and licensed camps have a system in place to make PFDs available to non-swimmers and at-risk swimmers, and requires programs and camps to accept a PFD from a parent or legal guardian for their child to use when these programs or licensed camps conduct swimming or waterfront activities at fresh or saltwater beaches. Consistent with the intent of this law, the Department strongly recommends that all municipal and recreational programs and licensed camps provide all classified non-swimmers and at-risk swimmers with a PFD that meets United States Coast Guard (USCG) guidelines in accordance with the following:

- PFDs shall be USCG certified according to type (I, II, III) for size and buoyancy.
- All PFDs must always be in a serviceable condition prior to use and properly fitted to each individual.
- Information on the types of PFDs, size selection, and tips for determining & maintaining a PFD in serviceable condition is available directly from the USCG website at:

http://www.uscgboating.org/safety/life_jacket_wear_wearing_your_life_jacket.aspx
[All spaces represent an underscore character “_” in the website address]

- Non-swimmers, at-risk swimmers, and participants whose parents or legal guardians have provided a PFD for their child do not need to wear a PFD during a swim test, closely supervised swimming or diving lessons, and other closely supervised beach waterfront activities, however a PFD should be worn for all other swimming or boating activities, and whenever on a dock.
- The Department recommends that in every case in which a PFD is used by a minor, either when one is provided by a program/camp or when one is dropped off by a parent or legal guardian, staff at municipal and recreational programs and licensed camps conduct an initial fit test to determine that the PFD is the correct size, and check each minor's PFD prior to every water entry to ensure that the PFD fits properly and is securely fastened.
- The Department recommends that all staff be trained for PFD fit testing by reviewing the short guidance video provided by the Department with assistance from the U.S. Coast Guard Auxiliary and Mass Parks/Department of Conservation & Recreation. A link to the video can be found at the website below:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/environmental-health/comm-sanitation/christians-law.html>

For more information please visit the MDPH – Community Sanitation Program website www.mass.gov/dph/dcs or contact the Massachusetts Department of Public Health, Bureau of Environmental Health at **617-624-5757**.