

SENATE, No. 4855

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:
Senator VIN GOPAL
District 11 (Monmouth)

SYNOPSIS

Authorizes specially exempt facility to permit third-party entity to provide swimming lessons, classes, or instruction under certain conditions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning specially exempt facilities and amending
2 P.L.1991, c.135.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 2 of P.L.1991, c.135 (C.26:4A-5) is amended to read
8 as follows:

9 2. Notwithstanding the provisions of section 7 of P.L.1947,
10 c.177 (C.26:1A-7) or any rules or regulations promulgated pursuant
11 thereto to the contrary, a specially exempt facility shall be exempt
12 from mandatory compliance with the first aid personnel and
13 lifeguard requirements of N.J.A.C.8:26-5 et seq., except that:

14 a. A campground, private marina with a swimming pool, hotel,
15 motel, mobile home park or retirement community which does not
16 voluntarily comply with these requirements shall have a manager or
17 owner on the premises when its swimming area or, in the case of a
18 private marina, when its swimming pool is open for use;

19 b. A health club which does not voluntarily comply with these
20 requirements shall have an owner or manager on the premises when
21 its swimming pool is open for use. The provisions of this section
22 shall not be construed to exempt a health club from the provisions
23 of P.L.2005, c.346 (C.2A:62A-30 et seq.); and

24 c. A health club which would ordinarily qualify as a specially
25 exempt facility, but no longer satisfies all of the requirements for
26 exemption because it has elected to provide swimming lessons,
27 classes, or instruction, either directly or through a third-party entity,
28 to persons who are not members of the health club, or to persons
29 who are under 16 years of age, shall continue to be deemed a
30 specially exempt facility for the purposes of P.L.1991, c.135
31 (C.26:4A-4 et seq.), provided that the health club complies with the
32 first aid personnel and lifeguard requirements of N.J.A.C.8:26-5 et
33 seq. while the swimming lessons, classes or instruction are taking
34 place.

35 d. (1) A specially exempt facility shall not lose its exemption
36 from first aid and lifeguard personnel requirements while permitting
37 swimming lessons, classes, or instruction conducted at the facility
38 by a third-party entity, provided that the swimming lessons, classes,
39 or instruction are:

40 (a) not open to the general public;

41 (b) limited to participants who have registered in advance and
42 are scheduled to participate at designated times;

43 (c) conducted in a manner that limits the number of participants,
44 and the facility remains primarily available for use by its residents
45 or other authorized users;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 participate at designated times, limits the number of participants,
2 and is conducted during designated time periods separate from the
3 facility's general use by residents and other authorized users.
4 Additionally, the third-party instructor is required to be physically
5 present at the facility during the instruction and hold a lifeguard
6 certification from an organization recognized by the Department of
7 Health.