



June 15, 2021

Montgomery County Council  
Stella Werner Council Office Building  
100 Maryland Ave  
Rockville, MD 20850

**Re: LA Fitness Supports Bill 20-21, Swimming Pools - Lifeguard Requirement - Amendments**

Dear Council President Huckler and Honorable Members of the Montgomery County Council:

As the operator of nearly 20 health clubs in Maryland and six in Montgomery County, Fitness International, LLC d/b/a LA Fitness ("LA Fitness") respectfully requests that you support the above-referenced legislation.

As you know, state rules do not require a lifeguard's presence at semi-public pools with surface areas under 2,500 square feet (COMAR § 10.17.01.40(D)(6)). At this time, Montgomery County is the only jurisdiction to require lifeguards at health clubs with pools of this size. In the past three years, Anne Arundel, Baltimore and Prince George's counties passed local laws to exempt health clubs from this requirement. These jurisdictions have also passed legislation to provide an exemption for hotels and motels. Montgomery County's Code currently allows hotels and motels to operate pools of this size without a lifeguard on duty during certain days of the week, provided that certain safety-related conditions are met. Consistent with the foregoing, Bill 20-21 would permit an entity defined as a health club under the bill to operate pools under a certain size without a lifeguard present, as long as such entity complied with certain safety-related conditions.

Bill 20-21 creates a narrow exemption that would apply only to entities defined as "Health Club" in the local code that operate relatively small pools. Crucially, moreover, pool safety remains a priority under Bill 20-21. Even if exempt, a health club operator would still have to meet all applicable state regulations regarding safety, meet specified sign requirements, and install an emergency alert system approved by the Director of the Department of Health and Human Services that connects directly to 9-1-1 and notifies an employee of the health club when activated. Similarly, exempted health clubs would still to be subject to county rules mandating that certain safety equipment be present, such as first-aid kits and rescue poles. Minors under the age of 16 would also be prohibited from using such pools without requisite supervision. And of course lifeguards would still be required at larger pools (i.e., with surface areas of 2,500 square feet or more) and at pools operated by entities not defined as health clubs.

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Finally, the enactment of Bill 20-21 may benefit both Montgomery County and the local fitness industry, particularly while recovering from the COVID-19 pandemic. Health club closures during the pandemic strained budgets as dues were suspended, members may have canceled memberships, and new members could not be recruited. Providing a lifeguard exemption for health clubs in Montgomery County would assist with budget pressures and ease financial barriers facing health clubs with pools. This may in turn encourage current and prospective health club operators to improve existing amenities and develop new facilities, potentially leading to healthier citizens, additional jobs, and increased tax revenues. Operators may also be less inclined to locate their health clubs in other counties that do not require lifeguards at such pools.

Given the potential benefits of Bill 20-21 and its reasonable balancing of interests summarized above, we respectfully ask that you vote in support of this bill.

Sincerely on behalf of LA Fitness,

Jeremy Hufton  
Senior Vice President  
Corporate and Compliance Counsel  
Fitness International, LLC