

HOUSE BILL No. 1428

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-235; IC 16-19-3-4.7.

Synopsis: Swimming pools in senior neighborhoods. Allows a senior neighborhood to not have a lifeguard on duty if certain conditions are met except for during visiting hours when minors are allowed to use the pool. Requires the senior neighborhood to post signs at each pool entrance and inform the senior neighborhood's residents of the rules for the pool. Allows the Indiana department of health (state department) to assess a fine for each violation. Requires the state department to amend the Indiana Administrative Code rule concerning the regulating of pools and inform local health departments concerning the changes.

Effective: Upon passage.

Smith H, Miller D

January 8, 2026, read first time and referred to Committee on Public Health.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1428

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-235 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 235. "Minor", for
3 purposes of **IC 16-19-3-4.7** and IC 16-36, means an individual who is
4 less than eighteen (18) years of age.

5 SECTION 2. IC 16-19-3-4.7 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: Sec. 4.7. (a) **As used in this section, "lifeguard"**
8 **refers to an individual who holds a nationally recognized**
9 **certification in lifeguard training that is responsible for supervising**
10 **swimming activities and ensuring water safety.**

11 (b) **As used in this section, "pool" means a structure, basin,**
12 **chamber, or tank containing an artificial body of water for**
13 **swimming, bathing, relaxation, or recreational use that has a**
14 **surface area of two thousand (2,000) square feet or more.**

15 (c) **As used in this section, "senior neighborhood" means a**
16 **residential community where occupancy is restricted to individuals**
17 **who are at least fifty-five (55) years of age.**



1 (d) Except as provided in subsection (e), a senior neighborhood
2 may not be required to have a lifeguard on duty at the
3 neighborhood's pool if the following conditions are met:

4 (1) The pool is not deeper than six (6) feet in any section of the
5 pool.

6 (2) The pool does not have a diving board, diving well, or
7 water slide.

8 (e) If a senior neighborhood decides to hold visiting hours to
9 allow visiting minors to swim in the pool, the senior neighborhood
10 must have a lifeguard on duty during the hours of the day
11 designated by the senior community's governing board to permit
12 visiting minors to use the pool. A minor may not use the senior
13 neighborhood pool outside of the designated visiting hours. The
14 senior neighborhood shall adopt and enforce rules to ensure
15 compliance with this subsection.

16 (f) A senior neighborhood that decides not to employ a lifeguard
17 for the pool and establishes pool visiting hours for minors as
18 allowed under this section shall post clear and conspicuous signage
19 at each pool entrance that states the following:

20 "No lifeguard on duty-swim at your own risk".

21 "Children under 18 are allowed at the pool during visiting
22 hours only".

23 The senior neighborhood shall ensure that the signage is
24 maintained in good condition and comply with any applicable state
25 or local regulations.

26 (g) A senior neighborhood that decides not to employ a lifeguard
27 for the pool and not to establish pool visiting hours for minors shall
28 post clear and conspicuous signage at each pool entrance that
29 states the following:

30 "No lifeguard on duty- swim at your own risk".

31 "Children under 18 are not allowed at the pool".

32 The senior neighborhood shall ensure that the signage is
33 maintained in good condition and comply with any applicable state
34 or local regulations.

35 (h) A senior neighborhood shall notify residents concerning the
36 rules regarding pool use, including the visiting hours, if any, in
37 which a minor may use the pool.

38 (i) The state department may assess a senior neighborhood a
39 fine of one thousand dollars (\$1,000) per violation of this section.

40 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The Indiana
41 department of health shall amend 410 IAC 6-2.1 to conform with
42 this act. The Indiana department of health shall inform local health



1 departments concerning the changes concerning pools contained in
2 this act.

3 (b) This SECTION expires December 31, 2027.

4 SECTION 4. An emergency is declared for this act.

