



MGL c. 111, §127A½

Christian's Law

Frequently Asked Questions

Q. What is Christian's Law?

- A.** Massachusetts General Law c. 111, §127A½, commonly referred to as Christian's Law, was enacted on July 12, 2012. The law requires that all municipal and recreational programs or licensed camps conducting swimming at fresh or saltwater beaches must:
- 1.) Ensure that all minors are swim tested at the first swimming session;
 - 2.) 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; and
 - 3.) Allow parents or legal guardians to provide their own properly fitting PFD to the child if they so choose.

Q. Is Christian's Law currently in effect?

- A.** While regulations clarifying swim test requirements and other aspects associated with PFDs are being prepared, the mandate requiring municipal and recreational programs or licensed camps to use PFDs if provided by a parent has been in effect since October 16, 2012 (90 days after Christian's Law was enacted).

Q. How are municipal and recreational programs different from licensed recreational camps for children?

- A.** A licensed recreational camp must meet certain regulatory requirements for licensing. The definition of a recreational camp for children is very specific, and programs not meeting the legal definition in regulation 105 CMR 430.000, as well as those exempt pursuant to M.G.L. c. 111, §127A, are not subject to these requirements including, but not limited to, mandatory background checks for staff and volunteers; proof of immunization for all staff and campers; and proof of training, certification, and experience for staff conducting or supervising specialized or high risk activities (e.g..swimming).

Q. How will municipal and recreational programs or licensed camps determine appropriate swimming classification?

- A.** The Massachusetts Department of Public Health (MDPH) with input from various stakeholders including the Christian E. Frechette (CEF) Foundation, the Massachusetts Camping Association (MCA), the Massachusetts Park and Recreation Association (MPRA), the Massachusetts Municipal Association (MMA), and the Alliance of Massachusetts YMCAs is assessing requirements for swimming skill determinations based on classifications developed by national safety organizations such as the American Red Cross (ARC), YMCA, and others. MDPH is developing a list of appropriate trainings that will prepare staff at municipal and recreational programs or licensed camps using beaches for swimming programs on the conduct of safe and effective swim tests to meet the requirements of Christian's Law. These national safety organizations provide training certifications for swim instructors to determine the level of a minor's swimming ability.

Q. How will municipal and recreational programs or licensed camps ensure the safety of non-swimmers and at-risk swimmers?

A. Once swimmers are classified, a system should be implemented to ensure that any child determined to be a non-swimmer or at-risk swimmer is clearly designated via an identification method such as the use of colored wristbands. Proper classification for all minors participating in swimming programs through the use of trained swim instructors is necessary along with ongoing supervision of designated non-swimmers and at-risk swimmers to ensure the continued use of properly fitting PFDs.

Q. How will municipal and recreational programs or licensed camps ensure appropriate PFDs are used?

A. Christian's Law requires that all PFDs used at municipal and recreational programs or licensed camps conducting swimming at fresh or saltwater beaches must be United States Coast Guard (USCG) certified according to type (I, II, III), size, and buoyancy. All PFDs must be in a serviceable condition prior to use. Information on the types of PFDs, size selection, and tips for determining and maintaining a PFD in serviceable condition is available from the USCG at:
http://www.uscgboating.org/safety/life_jacket_wear_wearing_your_life_jacket.aspx.

Q. What do parents and legal guardians need to know?

A. All children participating in swimming programs at municipal and recreational programs or licensed camps, excluding swimming pools, wading pools, and other artificial bodies of water, need to be classified according to their individual swimming ability through a swim test prior to entering the water for the first time. 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. Christian's Law allows a parent or legal guardian to provide their own PFD for their child. Municipal and recreational programs or licensed camps should inform parents that they may choose to do so and, if the parents provide a PFD, it must be clearly identified with the child's name and contact information. Municipal and recreational programs or licensed camps must ensure the child is wearing the PFD during swimming activities and will need to initially and regularly check that the provided PFD is properly fitting.

Q. If parents can't afford a PFD for their child is there financial assistance available?

A. The CEF Foundation was established by the parents of Christian E. Frechette, the child that is named in Massachusetts General Law c. 111, §127A½. Parents who would like to provide a PFD for their child but are unable to purchase one may contact the CEF Foundation, which offers PFDs for underprivileged children at reduced or no cost. For more information please visit www.ceffoundation.org or contact Derek@ceffoundation.org.

Q. How will Christian's Law be enforced?

A. In Massachusetts, health regulations such as Christian's Law are incorporated in the State Sanitary Code. Similar to other regulations under the state sanitary code, Christian's law will be enforced at the local level through the Board of Health (LBOH), as well as by the MDPH pursuant to M.G.L. c. 111, §127A. All licensed camps are inspected annually for compliance as part of the licensing process by the LBOH, including swimming activities, pursuant to 105 CMR 430.000 – "Minimum Requirements for Recreational Camps for Children". Agents for the LBOH and/or the MDPH may conduct audit inspections at municipal and recreational programs pursuant to Christian's Law in conjunction with water testing pursuant to 105 CMR 445.000, "Minimum Requirements for Bathing Beaches".

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