

Q & A Re: Adoption of Public Swimming Pool Regulations by Boards of Health

Why are public swimming pool regulations being brought to the Board of Health?

During the 2026 legislative session, the Nebraska Legislature passed LB759. Part of LB759 transferred the regulation of public swimming pools from the Nebraska Department of Water, Energy and Environment (NDWEE) to local government, including district health departments. State regulations for designing and constructing new pools and operating will remain in effect and NDWEE will review plans for new pools. However, NDWEE will not issue operating permits and will not conduct regular inspections to determine compliance with State regulations on sanitary and safe operation that protect the public's health.

Why was this responsibility shifted to local governments?

The primary reason given was to eliminate the cost of issuing public swimming pool operating permits, conducting inspections and enforcing the regulations.

Why is the health department proposing regulations to permit and inspect public swimming pools?

The State will no longer inspect pools to ensure compliance with sanitary and safety regulations. District boards of health have specific responsibilities under state law (NRSS 71-1631 and 1631.01) to protect public health by:

- Enacting and enforcing rules and regulations to prevent communicable disease,
- Conducting health and sanitary investigations and inspections, and
- Establish fees for the costs of all services.

The primary purpose of public swimming pool regulations is to prevent illness outbreaks, injuries and drowning.

What is being proposed?

Regulations for public swimming pools have been proposed that:

- Adopt State regulations for sanitary and safe operation and maintenance of existing pools.
- Authorize issuing permits, conducting inspections, and establishing fees.
- Authorize actions to gain compliance with health and safety regulations.
- Provide for appeals and due process.

What is a public swimming pool?

Any artificial basin of water which is used for public swimming, wading, diving, recreation or instruction, including pools and spas serving a community, subdivision, apartments, condominiums, clubs, hotels, motels, apartments, schools, institutions and camps.

How many public swimming pools are there in Nebraska?

About 1,420.

How many public swimming pools are there in our health district?

About 27.

Do other local and state health departments regulate or inspect pools?

Yes. Public swimming pool in the U.S. are almost exclusively regulated and inspected by local or state health departments.

Do other local health departments in Nebraska regulate or inspect pools?

Yes. Over 70% of public swimming pools are regulated and inspected by local health departments.

Do people really get sick from public swimming pools?

Yes. Thousands of illnesses are associated with public swimming pools each year in the U.S. Low disinfectant levels are usually identified as the most likely cause. Pool-related disease outbreaks occur in Nebraska. In the past five years, multiple spa-related Legionella outbreaks have occurred resulting in many cases of severe illness (pneumonia) and even hospitalization. Several years ago, large outbreaks of pool-related Cryptosporidiosis occurred in Lincoln and Omaha, causing hundreds of illnesses, with young children being most affected.

What kind of health code violations are associated with illness?

Pool inspections in Nebraska commonly find non-compliance with requirements that must be followed to ensure people do not get sick. Such violations include low disinfectant levels, problems with water clarity, and missing safety equipment. These violations require immediate closure and correction before the pool can safely reopen.

What kind of actions will be taken when a health department inspector finds a public swimming pool is not in compliance with regulations?

When there are violations that pose significant health risk to patrons, the most common action will be temporary closure until the pool operator can get pool back into compliance. This usually takes an hour or two but sometimes can take longer.

What will the Public Swimming Pool Operating Permit fees be used for?

The fees will be used to cover the costs of doing pool inspections and other associated costs including staff salaries and benefits, vehicle and gas, pool testing supplies and equipment, training, printing and copying, office equipment (i.e. computer, desk, chair, rent) and supervising and administering the program.