



North Carolina Department of Health and Human Services
Division of Public Health

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Date: June 19, 2014

POSITION STATEMENT: Ritual Immersion Pools

PURSUANT TO: G.S. 130A-280 through 282 and 15A NCAC 18A .2500

SOURCE: Jim Hayes, Program Supervisor
Pools, Tattoos and State Institutions Program

QUESTION / ISSUE: Are the laws governing public swimming pools applicable to structures used by religious congregations solely for ritual cleansing or baptism by immersion in water?

DISCUSSION AND RATIONALE:

G.S. 130A-280 defines "public swimming pool" as "any structure, chamber or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation or therapy". This definition does not apply to "a private pool serving a single family dwelling and used only by the residents of the dwelling and their guests."

The use of ritual immersion structures, such as Mikvahs and baptismal immersion fonts, gives rise to the question of whether these structures meet the definition of "public swimming pool" found in G.S. 130A-280. Ritual immersion structures are found in religious buildings and solely used for the purpose of carrying out a religious ritual. Such structures used by a religious congregation for ritual immersions into water for a ritual cleansing or baptism do not meet the definition of "public swimming pool." The use of these structures is solely for religious purposes; these structures are not used for swimming, diving, wading, recreation or therapy.

Should a ritual immersion structure be used for swimming, diving, wading, recreation or therapy, regardless of whether it is the primary use of the structure, then the ritual immersion structure would meet the definition of a "public swimming pool" found in G.S. 130A-280 and must comply with all public swimming pool regulations. The Department has issued a declaratory ruling that confirms that a church swimming pool that is also used for swimming or recreation does not meet the exemption in G.S. 130A-280 for "private pool[s] serving a single family dwelling and used only by the residents of the dwelling and their guests" and must comply with the public swimming pool regulations.

RESPONSE / INTERPRETATION:

Since ritual immersion structures are used solely for immersions in observance of religious ceremonies and are for a water use that is separate from the regulated uses of swimming, diving, wading, recreation or therapy, these structures should not be regulated under G.S. 130A-280 through 282 because they do not meet the definition of "public swimming pool." Pools used by religious congregations for other uses that include swimming, diving, wading, recreation or therapy are subject to regulation as public swimming pools. This position statement is not a declaratory ruling that is binding on the Department. Rather, this is a statement of the division's current interpretation of the applicability of the laws and rules and it may be subject to change if necessary for the protection of public health.

REFERENCES:

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.

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