

AMENDED IN SENATE AUGUST 22, 2006
AMENDED IN SENATE AUGUST 16, 2006
AMENDED IN SENATE AUGUST 9, 2006
AMENDED IN SENATE AUGUST 7, 2006
AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2977

**Introduced by Assembly Member Mullin
(Coauthors: Assembly Members Garcia, Koretz, and Maze)**

February 24, 2006

An act to amend Sections 115922, 115924, and 115928 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2977, as amended, Mullin. Swimming Pool and Spa Safety Act of 2006.

Existing law, the Swimming Pool Safety Act, generally provides that, on and after January 1, 1998, whenever a ~~construction~~ *building* permit is issued for construction of a new swimming pool at a private, single-family home, the pool shall be equipped with at least one of 5 specified safety features, including: (1) a pool enclosure; (2) a safety pool cover; (3) exit alarms on doors providing direct access to the pool; (4) self-closing, self-latching device with a release mechanism on doors providing direct access to the pool; or (5) other means of protection, if the degree of protection afforded is equal to or greater than any of the specified devices, as ~~determined by the building~~

official of the jurisdiction, or as specified by an ordinance governing child access to pools *specified*.

This bill would set forth legislative findings, declarations, and intent to enact the Swimming Pool and Spa Safety Act of 2006 to better protect the children of this state. This bill would revise the above provision to provide that, on and after January 1, 2007, whenever a ~~construction~~ *building* permit is issued for construction of a new swimming pool or spa, or for the structural remodeling of an existing pool or spa, at a private, single-family home, the pool shall be equipped with at least 1 of the 7 drowning prevention safety features, including the 5 devices specified above, except that a device as specified by an ordinance governing child access to pools would no longer be an authorized device and a spa must also be covered with a lockable or latching cover, plus (6) removable mesh fencing meeting standards of the American Society for Testing and Materials (ASTM); and (7) swimming pool alarms meeting ASTM standards. The bill would provide that prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the local building official shall inspect to ensure that the above standards are met and that the drowning prevention safety features are in good working condition.

Existing law provides that any person entering into an agreement to build a swimming pool shall give the consumer notice of the requirements of the Swimming Pool Safety Act.

This bill would require this consumer notice to also be given when the person enters into an agreement to build a spa or to engage in permitted work on a pool or spa.

Existing law provides that whenever a construction permit is issued for the construction of a new swimming pool or spa, the pool or spa shall meet specified requirements, including that any backup safety system that an owner of a new swimming pool or spa may choose to install shall meet specified standards of the United States Consumer Product Safety Commission issued in January 1998.

This bill would update the citation to the backup safety system standards by referring to those issued by the commission in March 2005 and would also provide that whenever a ~~construction~~ *building* permit is issued for the modification of *a single family home with* an existing swimming pool, toddler pool, or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool, or spa be upgraded so as to be equipped with an antientrapment cover

meeting the current standards of the American Society for Testing and Materials or the American Society of Mechanical Engineers.

This bill would require the Building and Standards Commission to incorporate the provisions of this act in to the California State Building Standards Code no later than January 1, 2010.

By imposing new duties on local building officials, this bill would impose a state-mandated local program upon local governments.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~(a)~~ This act shall be known as, and may be
2 cited as, the Swimming Pool and Spa Safety Act of 2006.

3 ~~(b)~~ The Legislature finds and declares all of the following:

4 ~~(1)~~ Pool drowning is the leading cause of death by injury for
5 California's children, one to four years of age. Data collected by
6 the State Department of Health Services indicate that in 2003, 52
7 toddlers drowned. Sixty-five percent of toddler drowning
8 incidents occurred in a family pool and 33 percent occurred in a
9 pool of a relative or friend.

10 ~~(2)~~ Drowning has remained the leading cause of death by
11 injury among California's toddlers for nearly two decades, killing
12 more toddlers than motor vehicle accidents, or child abuse.

13 ~~(3)~~ For every child who dies from drowning, four are
14 hospitalized as victims of near-drowning incidents. Many suffer
15 brain damage and long-term disability, the lifetime cost of which
16 is in excess of four million five hundred thousand dollars
17 (\$4,500,000) per individual, and a large percentage of that cost is
18 borne by the state. Medi-Cal pays for nearly 50 percent of all
19 hospital charges from swimming pool near-drowning incidents.

20 ~~(4)~~ Body entrapment and hair entrapment in suction outlets in
21 pools and spas is another serious health risk for bathers of all
22 ages but particularly vulnerable are young children. According to

1 the United States Consumer Product Safety Commission
2 nationally, 117 cases of entrapment occurred during the past 14
3 years, 25 resulting in death and many resulting in permanent
4 disability from injury including disembowelment or evisceration.

5 (5) Scientific studies and child death review teams have found
6 in their investigations that many drowning victims were last seen
7 sleeping or playing safely in the home right before the drowning
8 occurred. A United States Consumer Product Safety Commission
9 (CPSC) national study found that 46 percent of the victims were
10 last seen in the house and 23 percent were last seen in the yard or
11 on the porch. In all, 69 percent of the children were not expected
12 to be at or in the pool, yet they were found in the water.

13 (6) Toddler drowning is a silent and rapid event with brain
14 damage occurring in less than five minutes. Adult supervision
15 combined with multiple layers of protection and public education
16 can eliminate these preventable tragedies.

17 (7) The vast majority of existing swimming pools, in excess of
18 1,000,000, were built prior to the enactment of the Swimming
19 Pool Safety Act of 1997, and they pose a serious risk to young
20 children.

21 (e) In recognition of the findings and declarations in
22 subdivision (b), it is the intent of the Legislature to enact the
23 provisions of this bill as the Swimming Pool and Spa Safety Act
24 of 2006 in order to better protect the children of this state.

25 SEC. 2. Section 115922 of the Health and Safety Code is
26 amended to read:

27 115922. (a) Commencing January 1, 2007, except as
28 provided in Section 115925, whenever a ~~construction~~ *building*
29 permit is issued for construction of a new swimming pool or spa,
30 or any building permit is issued for remodeling of an existing
31 pool or spa, at a private, single-family home, it shall be equipped
32 with at least one of the following seven drowning prevention
33 safety features:

34 (1) The pool shall be isolated from access to a home by an
35 enclosure that meets the requirements of Section 115923.

36 (2) The pool shall incorporate removable mesh pool fencing
37 that meets American Society for Testing and Materials (ASTM)
38 *Specifications F 2286* standards in conjunction with a gate that is
39 self-closing and self-latching and can accommodate a key
40 lockable device.

1 (3) The pool shall be equipped with an approved safety pool
2 cover *that meets all requirements of the ASTM Specifications F*
3 *1346*.

4 (4) The residence shall be equipped with exit alarms on those
5 doors providing direct access to the pool.

6 (5) All doors providing direct access from the home to the
7 swimming pool shall be equipped with a self-closing,
8 self-latching device with a release mechanism placed no lower
9 than 54 inches above the floor.

10 (6) Swimming pool alarms that, when placed in pools, will
11 sound upon detection of accidental or unauthorized entrance into
12 the water. These pool alarms shall meet and be independently
13 certified to the ASTM Standard F 2208 “Standards Specification
14 for Pool Alarms” which includes surface motion, pressure, sonar,
15 laser, and infrared type alarms. For purposes of this article,
16 “swimming pool alarms” shall not include swimming protection
17 alarm devices designed for individual use, such as an alarm
18 attached to a child that sounds when the child exceeds a certain
19 distance or becomes submerged in water.

20 (7) Other means of protection, if the degree of protection
21 afforded is equal to or greater than that afforded by any of the
22 devices set forth above, ~~as determined by the building official of~~
23 ~~the jurisdiction issuing the applicable building permit.~~ *and have*
24 *been independently verified by an approved testing laboratory as*
25 *meeting standards for those devices established by the ASTM or*
26 *the American Society of Mechanical Engineers (ASME).*

27 (b) Prior to the issuance of any final approval for the
28 completion of permitted construction or remodeling work, the
29 local building code official shall inspect the drowning safety
30 prevention devices required by this act and if no violations are
31 found, shall give final approval.

32 SEC. 3. Section 115924 of the Health and Safety Code is
33 amended to read:

34 115924. (a) Any person entering into an agreement to build a
35 swimming pool or spa, or to engage in permitted work on a pool
36 or spa covered by this article, shall give the consumer notice of
37 the requirements of this article.

38 (b) Pursuant to existing law, the Department of Health
39 Services shall have available on the department’s Web site,
40 commencing January 1, 2007, approved pool safety information

1 available for consumers to download. Pool contractors are
2 encouraged to share this information with consumers regarding
3 the potential dangers a pool or spa poses to toddlers.
4 Additionally, pool contractors may provide the following
5 documents, which are available for distribution from the National
6 Spa and Pool Institute:

7 (1) ~~“The Sensible Way to Enjoy Your Inground Swimming~~
8 ~~Pool.”~~

9 (2) ~~The Sensible Way to Enjoy Your Aboveground/Onground~~
10 ~~Pool.”~~

11 (3) ~~“The Sensible Way to Enjoy Your Spa.”~~

12 (4) ~~“Children Aren’t Waterproof.”~~

13 (5) ~~“Layers of Protection.”~~

14 (6) ~~“Pool and Spa Emergency Procedures for Infants and~~
15 ~~Children.”~~

16 (7) ~~“Plan Your Dive, Steer Up.”~~

17 *consumer with swimming pool safety materials produced from*
18 *organizations such as the United States Consumer Product*
19 *Safety Commission, Drowning Prevention Foundation,*
20 *California Coalition for Children’s Safety & Health, Safe Kids*
21 *Worldwide, Association of Pool and Spa Professionals, or the*
22 *American Academy of Pediatrics.*

23 SEC. 4. Section 115928 of the Health and Safety Code is
24 amended to read:

25 115928. Whenever a ~~construction~~ *building* permit is issued
26 for the construction of a new swimming pool or spa, the pool or
27 spa shall meet all of the following requirements:

28 (a) (1) The suction outlet of the pool or spa for which the
29 permit is issued shall be equipped to provide circulation
30 throughout the pool or spa as prescribed in paragraph (2).

31 (2) The swimming pool or spa shall have at least two
32 circulation drains per pump that shall be hydraulically balanced
33 and symmetrically plumbed through one or more “T” fittings,
34 and that are separated by a distance of at least three feet in any
35 dimension between the drains.

36 (b) Suction outlets that are less than 12 inches across shall be
37 covered with antientrapment grates, *as specified in the*
38 *ASME/ANSI Standard A 112.19.8*, that cannot be removed except
39 with the use of tools. Slots or openings in the grates or similar
40 protective devices shall be of a shape, area, and arrangement that

1 would prevent physical entrapment and would not pose any
2 suction hazard to bathers.

3 (c) Any backup safety system that an owner of a new
4 swimming pool or spa may choose to install in addition to the
5 requirements set forth in subdivisions (a) and (b) shall meet the
6 standards as published in the document, “Guidelines for
7 Entrapment Hazards: Making Pools and Spas Safer,” Publication
8 Number 363, March 2005, United States Consumer Product
9 Safety Commission.

10 (d) Whenever a ~~construction~~ *building* permit is issued for the
11 remodel or modification of *a single family home with* an existing
12 swimming pool, toddler pool, or spa, the permit shall require that
13 the suction outlet of the existing swimming pool, toddler pool, or
14 spa be upgraded so as to be equipped with an antientrapment
15 cover meeting current standards of the American Society for
16 Testing and Materials (ASTM) or the American Society of
17 Mechanical Engineers (ASME).

18 SEC. 5. The Legislature hereby directs the Building and
19 Standards Commission to incorporate the provisions of this act
20 into the California State Building Standards Code, no later than
21 January 1, 2010.

22 SEC. 6. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 a local agency or school district has the authority to levy service
25 charges, fees, or assessments sufficient to pay for the program or
26 level of service mandated by this act, within the meaning of
27 Section 17556 of the Government Code.

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