

Assembly Bill No. 2977

CHAPTER 478

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

[Approved by Governor September 26, 2006. Filed with Secretary of State September 26, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2977, 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 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 specified.

This bill would revise the above provision to provide that, on and after January 1, 2007, whenever a 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 latchable 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 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.

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

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

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

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

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

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

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

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

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

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

(7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth above, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Mechanical Engineers (ASME).

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

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

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

(b) Pursuant to existing law, the Department of Health Services shall have available on the department’s Web site, commencing January 1, 2007, approved pool safety information available for consumers to download. Pool contractors are encouraged to share this information with consumers regarding the potential dangers a pool or spa poses to toddlers. Additionally, pool contractors may provide the consumer with swimming pool safety materials produced from organizations such as the United States Consumer Product Safety Commission, Drowning Prevention Foundation, California Coalition for Children’s Safety & Health, Safe Kids Worldwide, Association of Pool and Spa Professionals, or the American Academy of Pediatrics.

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

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

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

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

(b) Suction outlets that are less than 12 inches across shall be covered with antientrapment grates, as specified in the ASME/ANSI Standard A 112.19.8, that cannot be removed except with the use of tools. Slots or openings in the grates or similar protective devices shall be of a shape, area, and arrangement that would prevent physical entrapment and would not pose any suction hazard to bathers.

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

(d) Whenever a building permit is issued for the remodel or 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 current standards of the American Society for Testing and Materials (ASTM) or the American Society of Mechanical Engineers (ASME).

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

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