

AMENDED IN SENATE AUGUST 24, 2012  
AMENDED IN SENATE AUGUST 14, 2012  
AMENDED IN SENATE JULY 2, 2012  
AMENDED IN SENATE JUNE 15, 2012  
AMENDED IN ASSEMBLY APRIL 9, 2012  
AMENDED IN ASSEMBLY MARCH 29, 2012  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2114**

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**Introduced by Assembly Members Smyth and Hill**

February 23, 2012

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An act to amend Sections 115921, 115928, 115928.5, 116064, and 116064.2 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2114, as amended, Smyth. Swimming pool safety.

(1) The Swimming Pool Safety Act generally requires, whenever a building permit is issued for the construction of a new swimming pool or spa, the pool or spa to be equipped with specified safety features, including that the swimming pool or spa have at least 2 circulation drains per pump that are hydraulically balanced, and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least 3 feet in any dimension between the drains. Existing law also requires a public wading pool to have at least 2 circulation drains per pump, as specified, that are separated by a distance of at least 3 feet in any dimension between the drains.

This bill would instead require a swimming pool, spa, or public wading pool that is subject to the above safety provisions to have at least 2 circulation suction outlets, as defined, per pump, and be separated by a distance of at least 3 feet in any dimension between the suction outlets, or be designed to use alternatives to suction outlets, including, but not limited to, skimmers or perimeter overflow systems to conduct water to the recirculation pump. The bill would also require the circulation system to have the capacity to provide a complete turnover of pool water, as specified.

(2) Existing law requires a building permit issued for the remodel or modification of an existing swimming pool, toddler pool, or spa to require the suction outlet of the pool or spa to be upgraded with an antientrapment cover meeting ASTM or ASME standards.

This bill would instead require those building permits to require all outlets for a swimming pool, toddler pool, or spa to be upgraded with an antientrapment cover meeting ANSI/APSP performance standards, as defined.

(3) Existing law requires public swimming pools, as defined, to be equipped with antientrapment devices or systems that meet ASME/ANSI or ASTM performance standards, as defined. Existing law further requires every public swimming pool with a single main drain that is not an unblockable drain to be equipped with at least one or more safety devices designed to prevent physical entrapment by pool drains. Existing law also requires public wading pool main drain suction outlets to be covered with grates, antivortex plates, or similar protective devices, as specified.

This bill would instead require every public swimming pool with a single suction outlet, as defined, that is not an unblockable suction outlet to be equipped with at least one or more safety devices that meet ANSI/APSP performance standards. The bill would also require all public wading pool suction outlets to be covered with grates, antivortex plates, or similar protective devices, as specified. *The bill would additionally require a public swimming pool that has a suction outlet in any location other than on the bottom of the pool to be designed so that the recirculation system has a capacity to provide a complete turnover of pool water within prescribed times based on the pool type, as specified.*

(4) Existing law requires the State Department of Public Health to issue a form for use by an owner of a public swimming pool to indicate compliance with specified safety provisions. Under existing law, the

form is required to be completed by the owner of a public swimming pool prior to filing the form with the appropriate city, county, or city and county department of environmental health, and is required to include specified information. This information includes a statement of whether the pool operates with a single or split main drain.

This bill would require that form to instead include a statement of whether the pool operates with a single suction outlet or multiple suction outlets. The bill would make other related changes. By imposing new duties on local government officials, the bill would impose a state-mandated local program.

Under existing law, violation of these swimming pool safety requirements constitutes a misdemeanor. This bill, by expanding the definition of an existing crime, would impose a state-mandated local program.

*(5) This bill would incorporate additional changes to Section 116064 of the Health and Safety Code proposed by SB 1099, that would become operative only if SB 1099 and this bill are both enacted, both bills become effective on or before January 1, 2012 and this bill is enacted last.*

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*(6) 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 specified reasons.

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. Section 115921 of the Health and Safety Code
- 2 is amended to read:
- 3 115921. As used in this article the following terms have the
- 4 following meanings:
- 5 (a) "Swimming pool" or "pool" means any structure intended
- 6 for swimming or recreational bathing that contains water over 18
- 7 inches deep. "Swimming pool" includes in-ground and
- 8 aboveground structures and includes, but is not limited to, hot tubs,
- 9 spas, portable spas, and nonportable wading pools.

1 (b) “Public swimming pool” means a swimming pool operated  
2 for the use of the general public with or without charge, or for the  
3 use of the members and guests of a private club. Public swimming  
4 pool does not include a swimming pool located on the grounds of  
5 a private single-family home.

6 (c) “Enclosure” means a fence, wall, or other barrier that isolates  
7 a swimming pool from access to the home.

8 (d) “Approved safety pool cover” means a manually or  
9 power-operated safety pool cover that meets all of the performance  
10 standards of the American Society for Testing and Materials  
11 (ASTM), in compliance with standard F1346-91.

12 (e) “Exit alarms” means devices that make audible, continuous  
13 alarm sounds when any door or window, that permits access from  
14 the residence to the pool area that is without any intervening  
15 enclosure, is opened or is left ajar. Exit alarms may be battery  
16 operated or may be connected to the electrical wiring of the  
17 building.

18 (f) “ANSI/APSP performance standard” means a standard that  
19 is accredited by the American National Standards Institute (ANSI)  
20 and published by the Association of Pool and Spa Professionals  
21 (APSP).

22 (g) “Suction outlet” means a fitting or fixture typically located  
23 at the bottom or on the sides of a swimming pool that conducts  
24 water to a recirculating pump.

25 SEC. 2. Section 115928 of the Health and Safety Code is  
26 amended to read:

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

30 (a) (1) The suction outlets of the pool or spa for which the  
31 permit is issued shall be equipped to provide circulation throughout  
32 the pool or spa as prescribed in paragraphs (2) and (3).

33 (2) The swimming pool or spa shall either have at least two  
34 circulation suction outlets per pump that shall be hydraulically  
35 balanced and symmetrically plumbed through one or more “T”  
36 fittings, and that are separated by a distance of at least three feet  
37 in any dimension between the suction outlets, or be designed to  
38 use alternatives to suction outlets, including, but not limited to,  
39 skimmers or perimeter overflow systems to conduct water to the  
40 recirculation pump.

1 (3) The circulation system shall have the capacity to provide a  
2 complete turnover of pool water, as specified in Section 3124B of  
3 Chapter 31B of the California Building Standards Code (Title 24  
4 of the California Code of Regulations).

5 (b) Suction outlets shall be covered with antientrapment grates,  
6 as specified in the ANSI/APSP-16 performance standard or  
7 successor standard designated by the federal Consumer Product  
8 Safety Commission, that cannot be removed except with the use  
9 of tools. Slots or openings in the grates or similar protective devices  
10 shall be of a shape, area, and arrangement that would prevent  
11 physical entrapment and would not pose any suction hazard to  
12 bathers.

13 (c) Any backup safety system that an owner of a new swimming  
14 pool or spa may choose to install in addition to the requirements  
15 set forth in subdivisions (a) and (b) shall meet the standards as  
16 published in the document, “Guidelines for Entrapment Hazards:  
17 Making Pools and Spas Safer,” Publication Number 363, March  
18 2005, United States Consumer Product Safety Commission.

19 SEC. 3. Section 115928.5 of the Health and Safety Code is  
20 amended to read:

21 115928.5. Whenever a building permit is issued for the remodel  
22 or modification of an existing swimming pool, toddler pool, or  
23 spa, the permit shall require that the suction outlet or *suction* outlets  
24 of the existing swimming pool, toddler pool, or spa be upgraded  
25 so as to be equipped with antientrapment grates, as specified in  
26 the ANSI/APSP-16 performance standard or a successor standard  
27 designated by the federal Consumer Product Safety Commission.

28 SEC. 4. Section 116064 of the Health and Safety Code is  
29 amended to read:

30 116064. (a) As used in this section the following words have  
31 the following meanings:

32 (1) (A) “Public wading pool” means a pool that meets all of  
33 the following criteria:

34 (i) It has a maximum water depth not exceeding 18 inches.

35 (ii) It is a pool other than a pool that is located on the premises  
36 of a one-unit or two-unit residence, intended solely for the use of  
37 the residents or guests.

38 (B) “Public wading pool” includes, but is not limited to, a pool  
39 owned or operated by private persons or agencies, or by state or  
40 local governmental agencies.

- 1 (C) “Public wading pool” includes, but is not limited to, a pool
- 2 located in an apartment house, hotel, or similar setting, that is
- 3 intended for the use of residents or guests.
- 4 (2) “Alteration” means any of the following:
- 5 (A) To change, modify, or rearrange the structural parts or the
- 6 design.
- 7 (B) To enlarge.
- 8 (C) To move the location of.
- 9 (D) To install a new water circulation system.
- 10 (E) To make any repairs costing fifty dollars (\$50) or more to
- 11 an existing circulation system.
- 12 (3) “ANSI/APSP performance standard” means a standard that
- 13 is accredited by the American National Standards Institute (ANSI)
- 14 and published by the Association of Pool and Spa Professionals
- 15 (APSP).
- 16 (4) “Suction outlet” means a fitting or fixture typically located
- 17 at the bottom or on the sides of a swimming pool that conducts
- 18 water to a recirculating pump.
- 19 (b) A public wading pool shall have at least two circulation
- 20 suction outlets per pump that are hydraulically balanced and
- 21 symmetrically plumbed through one or more “T” fittings, and are
- 22 separated by a distance of at least three feet in any dimension
- 23 between the suction outlets.
- 24 (c) All public wading pool suction outlets shall be covered with
- 25 antivortex grates or similar protective devices. All suction outlets
- 26 shall be covered with grates or antivortex plates that cannot be
- 27 removed except with the use of tools. Slots or openings in the
- 28 grates or similar protective devices shall be of a shape, area, and
- 29 arrangement that would prevent physical entrapment and would
- 30 not pose any suction hazard to bathers.
- 31 (d) (1) The State Department of Health Services may adopt
- 32 regulations pursuant to this section.
- 33 (2) The regulations may include, but not be limited to, standards
- 34 permitting the use of alternative devices or safeguards, or
- 35 incorporating new technologies, that produce, at a minimum,
- 36 equivalent protection against entrapment and suction hazard,
- 37 whenever these devices, safeguards, or technologies become
- 38 available to the public.
- 39 (3) Regulations adopted pursuant to this section constitute
- 40 building standards and shall be forwarded pursuant to subdivision

1 (e) of Section 11343 of the Government Code to the California  
2 Building Standards Commission for approval as set forth in Section  
3 18907 of the Health and Safety Code.

4 (e) The California Building Standards Commission shall approve  
5 the building standards as set forth in this section and publish them  
6 in the California Building Standards Code by November 1, 1999.  
7 The commission shall publish the text of this section in Title 24  
8 of the California Code of Regulations, Part 2, Chapter 31B,  
9 requirements for public swimming pools, with the following note:  
10 “NOTE: These building standards are in statute but have not been  
11 adopted through the regulatory process.” Enforcement of the  
12 standards set forth in this section does not depend upon adoption  
13 of regulations, therefore, enforcement agencies shall enforce the  
14 standards pursuant to the timeline set forth in this section prior to  
15 adoption of related regulations.

16 (f) The maximum velocity in the pump suction hydraulic system  
17 shall not exceed six feet per second when 100 percent of the  
18 pump’s flow comes from the circulation system and any suction  
19 outlet in the system is completely blocked.

20 (g) On and after January 1, 1998, all newly constructed public  
21 wading pools shall be constructed in compliance with this section.

22 (h) Commencing January 1, 1998, whenever a construction  
23 permit is issued for alteration of an existing public wading pool,  
24 it shall be retrofitted so as to be in compliance with this section.

25 (i) By January 1, 2000, every public wading pool, regardless of  
26 the date of original construction, shall be retrofitted to comply  
27 with this section.

28 *SEC. 4.5. Section 116064 of the Health and Safety Code is*  
29 *amended to read:*

30 116064. (a) As used in this section the following words have  
31 the following meanings:

32 (1) (A) “Public wading pool” means a pool that meets all of  
33 the following criteria:

34 (i) It has a maximum water depth not exceeding 18 inches.

35 (ii) It is a pool other than a pool that is located on the premises  
36 of a one-unit or two-unit residence, intended solely for the use of  
37 the residents or guests.

38 (B) “Public wading pool” includes, but is not limited to, a pool  
39 owned or operated by private persons or agencies, or by state or  
40 local governmental agencies.

- 1 (C) “Public wading pool” includes, but is not limited to, a pool  
 2 located in an apartment house, hotel, or similar setting, that is  
 3 intended for the use of residents or guests.
- 4 (2) “Alteration” means any of the following:
- 5 (A) To change, modify, or rearrange the structural parts or the  
 6 design.
- 7 (B) To enlarge.
- 8 (C) To move the location of.
- 9 (D) To install a new water circulation system.
- 10 (E) To make any repairs costing fifty dollars (\$50) or more to  
 11 an existing circulation system.
- 12 (3) “ANSI/APSP performance standard” means a standard that  
 13 is accredited by the American National Standards Institute (ANSI)  
 14 and published by the Association of Pool and Spa Professionals  
 15 (APSP).
- 16 (4) “Suction outlet” means a fitting or fixture typically located  
 17 at the bottom or on the sides of a swimming pool that conducts  
 18 water to a recirculating pump.
- 19 (b) A public wading pool shall have at least two circulation  
 20 ~~drains~~ suction outlets per pump that are hydraulically balanced  
 21 and symmetrically plumbed through one or more “T” fittings, and  
 22 are separated by a distance of at least three feet in any dimension  
 23 between the ~~drains~~ suction outlets.
- 24 (c) All public wading pool ~~main drain suction outlets that are~~  
 25 ~~under 12 inches across~~ suction outlets shall be covered with  
 26 antivortex grates or similar protective devices. All ~~main drain~~  
 27 suction outlets shall be covered with grates or antivortex plates  
 28 that cannot be removed except with the use of tools. Slots or  
 29 openings in the grates or similar protective devices shall be of a  
 30 shape, area, and arrangement that would prevent physical  
 31 entrapment and would not pose any suction hazard to bathers.
- 32 (d) (1) The State Department of Health Services may adopt  
 33 regulations pursuant to this section.
- 34 (2) The regulations may include, but not be limited to, standards  
 35 permitting the use of alternative devices or safeguards, or  
 36 incorporating new technologies, that produce, at a minimum,  
 37 equivalent protection against entrapment and suction hazard,  
 38 whenever these devices, safeguards, or technologies become  
 39 available to the public.

1 (3) Regulations adopted pursuant to this section constitute  
2 building standards and shall be forwarded pursuant to ~~subdivision~~  
3 ~~(e)~~ of Section 11343 of the Government Code to the California  
4 Building Standards Commission for approval as set forth in Section  
5 18907 of the Health and Safety Code.

6 (e) The California Building Standards Commission shall approve  
7 the building standards as set forth in this section and publish them  
8 in the California Building Standards Code by November 1, 1999.  
9 The commission shall publish the text of this section in Title 24  
10 of the California Code of Regulations, Part 2, Chapter 31B,  
11 requirements for public swimming pools, with the following note:  
12 “NOTE: These building standards are in statute but have not been  
13 adopted through the regulatory process.” Enforcement of the  
14 standards set forth in this section does not depend upon adoption  
15 of regulations, therefore, enforcement agencies shall enforce the  
16 standards pursuant to the timeline set forth in this section prior to  
17 adoption of related regulations.

18 (f) The maximum velocity in the pump suction hydraulic system  
19 shall not exceed six feet per second when 100 percent of the  
20 pump’s flow comes from the ~~main drain~~ *circulation* system and  
21 any ~~main drain~~ suction-fitting *outlet* in the system is completely  
22 blocked.

23 (g) On and after January 1, 1998, all newly constructed public  
24 wading pools shall be constructed in compliance with this section.

25 (h) Commencing January 1, 1998, whenever a construction  
26 permit is issued for alteration of an existing public wading pool,  
27 it shall be retrofitted so as to be in compliance with this section.

28 (i) By January 1, 2000, every public wading pool, regardless of  
29 the date of original construction, shall be retrofitted to comply  
30 with this section.

31 SEC. 5. Section 116064.2 of the Health and Safety Code is  
32 amended to read:

33 116064.2. (a) As used in this section, the following words  
34 have the following meanings:

35 (1) “ANSI/APSP performance standard” means a standard that  
36 is accredited by the American National Standards Institute (ANSI)  
37 and published by the Association of Pool and Spa Professionals  
38 (APSP).

1 (2) “ASME/ANSI performance standard” means a standard that  
2 is accredited by the American National Standards Institute and  
3 published by the American Society of Mechanical Engineers.

4 (3) “ASTM performance standard” means a standard that is  
5 developed and published by ASTM International.

6 (4) “Public swimming pool” means an outdoor or indoor  
7 structure, whether in-ground or above-ground, intended for  
8 swimming or recreational bathing, including a swimming pool,  
9 hot tub, spa, or nonportable wading pool, that is any of the  
10 following:

11 (A) Open to the public generally, whether for a fee or free of  
12 charge.

13 (B) Open exclusively to members of an organization and their  
14 guests, residents of a multiunit apartment building, apartment  
15 complex, residential real estate development, or other multifamily  
16 residential area, or patrons of a hotel or other public  
17 accommodations facility.

18 (C) Located on the premises of an athletic club, or public or  
19 private school.

20 (5) “Qualified individual” means a contractor who holds a  
21 current valid license issued by the State of California or a  
22 professional engineer licensed in the State of California who has  
23 experience working on public swimming pools.

24 (6) “Safety vacuum release system” means a vacuum release  
25 system that ceases operation of the pump, reverses the circulation  
26 flow, or otherwise provides a vacuum release at a suction outlet  
27 when a blockage is detected.

28 (7) “Skimmer equalizer line” means a suction outlet located  
29 below the waterline, typically on the side of the pool, and  
30 connected to the body of a skimmer that prevents air from being  
31 drawn into the pump if the water level drops below the skimmer  
32 weir. However, a skimmer equalizer line is not a suction outlet for  
33 purposes of ~~this article~~ *subdivisions (c) and (d)*.

34 (8) “Suction outlet” means a fitting or fixture ~~typically located~~  
35 ~~at the bottom or on the sides~~ of a swimming pool that conducts  
36 water to a recirculating pump.

37 (9) “Unblockable suction outlet” means a suction outlet,  
38 including the sump, that has a perforated (open) area that cannot  
39 be shadowed by the area of the 18 inch by 23 inch Body Blocking  
40 Element of the ANSI/APSP-16 performance standard, and that the

1 rated flow through any portion of the remaining open area cannot  
2 create a suction force in excess of the removal force values in  
3 Table 1 of that standard.

4 (b) (1) Subject to subdivision (e), every public swimming pool  
5 shall be equipped with antientrapment devices or systems that  
6 comply with the ANSI/APSP-16 performance standard or successor  
7 standard designated by the federal Consumer Product Safety  
8 Commission.

9 (2) *A public swimming pool that has a suction outlet in any*  
10 *location other than on the bottom of the pool shall be designed so*  
11 *that the recirculation system shall have the capacity to provide a*  
12 *complete turnover of pool water within the following time:*

13 (A) *One-half hour or less for a spa pool.*

14 (B) *One-half hour or less for a spray ground.*

15 (C) *One hour or less for a wading pool.*

16 (D) *Two hours or less for a medical pool.*

17 (E) *Six hours or less for all other types of public pools.*

18 (c) Subject to subdivisions (d) and (e), every public swimming  
19 pool with a single suction outlet that is not an unblockable suction  
20 outlet shall be equipped with at least one or more of the following  
21 devices or systems that are designed to prevent physical entrapment  
22 by pool drains:

23 (1) A safety vacuum release system that has been tested by a  
24 nationally recognized testing laboratory and found to conform to  
25 ASME/ANSI performance standard A112.19.17, as in effect on  
26 December 31, 2009, or ASTM performance standard F2387, as in  
27 effect on December 31, 2009.

28 (2) A suction-limiting vent system with a tamper-resistant  
29 atmospheric opening, provided that it conforms to any applicable  
30 ASME/ANSI or ASTM performance standard.

31 (3) A gravity drainage system that utilizes a collector tank,  
32 provided that it conforms to any applicable ASME/ANSI or ASTM  
33 performance standard.

34 (4) An automatic pump shutoff system tested by a  
35 department-approved independent third party and found to conform  
36 to any applicable ASME/ANSI or ASTM performance standard.

37 (5) Any other system that is deemed, in accordance with federal  
38 law, to be equally effective as, or more effective than, the systems  
39 described in paragraph (1) at preventing or eliminating the risk of

1 injury or death associated with the circulation system of the pool  
2 and suction outlets.

3 (d) Every public swimming pool constructed on or after January  
4 1, 2010, shall have at least two suction outlets per pump that are  
5 hydraulically balanced and symmetrically plumbed through one  
6 or more “T” fittings, and that are separated by a distance of at least  
7 three feet in any dimension between the suction outlets. A public  
8 swimming pool constructed on or after January 1, 2010, that meets  
9 the requirements of this subdivision, shall be exempt from the  
10 requirements of subdivision (c).

11 (e) A public swimming pool constructed prior to January 1,  
12 2010, shall be retrofitted to comply with subdivisions (b) and (c)  
13 by no later than July 1, 2010, except that no further retrofitting is  
14 required for a public swimming pool that completed a retrofit  
15 between December 19, 2007, and January 1, 2010, that complied  
16 with the Virginia Graeme Baker Pool and Spa Safety Act (15  
17 U.S.C. Sec. 8001 et seq.) as in effect on the date of issue of the  
18 construction permit, or for a nonportable wading pool that  
19 completed a retrofit prior to January 1, 2010, that complied with  
20 state law on the date of issue of the construction permit. A public  
21 swimming pool owner who meets the exception described in this  
22 subdivision shall do one of the following prior to September 30,  
23 2010:

24 (1) File the form issued by the department pursuant to  
25 subdivision (f), as otherwise provided in subdivision (h).

26 (2) (A) File a signed statement attesting that the required work  
27 has been completed.

28 (B) Provide a document containing the name and license number  
29 of the qualified individual who completed the required work.

30 (C) Provide either a copy of the final building permit, if required  
31 by the local agency, or a copy of one of the following documents  
32 if no permit was required:

33 (i) A document that describes the modification in a manner that  
34 provides sufficient information to document the work that was  
35 done to comply with federal law.

36 (ii) A copy of the final paid invoice. The amount paid for the  
37 services may be omitted or redacted from the final invoice prior  
38 to submission.

39 (f) Prior to March 31, 2010, the department shall issue a form  
40 for use by an owner of a public swimming pool to indicate

1 compliance with this section. The department shall consult with  
2 county health officers and directors of departments of  
3 environmental health in developing the form and shall post the  
4 form on the department's Internet Web site. The form shall be  
5 completed by the owner of a public swimming pool prior to filing  
6 the form with the appropriate city, county, or city and county  
7 department of environmental health. The form shall include, but  
8 not be limited to, the following information:

9 (1) A statement of whether the pool operates with a single  
10 suction outlet or multiple suction outlets that comply with  
11 subdivision (d).

12 (2) Identification of the type of antientrapment devices or  
13 systems that have been installed pursuant to subdivision (b) and  
14 the date or dates of installation.

15 (3) Identification of the type of devices or systems designed to  
16 prevent physical entrapment that have been installed pursuant to  
17 subdivision (c) in a public swimming pool with a single suction  
18 outlet that is not an unblockable suction outlet and the date or dates  
19 of installation or the reason why the requirement is not applicable.

20 (4) A signature and license number of a qualified individual  
21 who certifies that the factual information provided on the form in  
22 response to paragraphs (1) to (3), inclusive, is true to the best of  
23 his or her knowledge.

24 (g) A qualified individual who improperly certifies information  
25 pursuant to paragraph (4) of subdivision (f) shall be subject to  
26 potential disciplinary action at the discretion of the licensing  
27 authority.

28 (h) Except as provided in subdivision (e), each public swimming  
29 pool owner shall file a completed copy of the form issued by the  
30 department pursuant to this section with the city, county, or city  
31 and county department of environmental health in the city, county,  
32 or city and county in which the swimming pool is located. The  
33 form shall be filed within 30 days following the completion of the  
34 swimming pool construction or installation required pursuant to  
35 this section or, if the construction or installation is completed prior  
36 to the date that the department issues the form pursuant to this  
37 section, within 30 days of the date that the department issues the  
38 form. The public swimming pool owner or operator shall not make  
39 a false statement, representation, certification, record, report, or

1 otherwise falsify information that he or she is required to file or  
2 maintain pursuant to this section.

3 (i) In enforcing this section, health officers and directors of city,  
4 county, or city and county departments of environmental health  
5 shall consider documentation filed on or with the form issued  
6 pursuant to this section by the owner of a public swimming pool  
7 as evidence of compliance with this section. A city, county, or city  
8 and county department of environmental health may verify the  
9 accuracy of the information filed on or with the form.

10 (j) To the extent that the requirements for public wading pools  
11 imposed by Section 116064 conflict with this section, the  
12 requirements of this section shall prevail.

13 (k) The department shall have no authority to take any  
14 enforcement action against any person for violation of this section  
15 and has no responsibility to administer or enforce the provisions  
16 of this section.

17 *SEC. 6. Section 4.5 of this bill incorporates amendments to*  
18 *Section 116064 of the Health and Safety Code proposed by both*  
19 *this bill and Senate Bill 1099. It shall only become operative if (1)*  
20 *both bills are enacted and become effective on or before January*  
21 *1, 2013, (2) each bill amends Section 116064 of the Health and*  
22 *Safety Code, and (3) this bill is enacted after Senate Bill 1099, in*  
23 *which case Section 4 of this bill shall not become operative.*

24 ~~SEC. 6.~~

25 *SEC. 7. No reimbursement is required by this act pursuant to*  
26 *Section 6 of Article XIII B of the California Constitution because*  
27 *a local agency or school district has the authority to levy service*  
28 *charges, fees, or assessments sufficient to pay for the program or*  
29 *level of service mandated by this act or because costs that may be*  
30 *incurred by a local agency or school district will be incurred*  
31 *because this act creates a new crime or infraction, eliminates a*  
32 *crime or infraction, or changes the penalty for a crime or infraction,*  
33 *within the meaning of Section 17556 of the Government Code, or*  
34 *changes the definition of a crime within the meaning of Section 6*  
35 *of Article XIII B of the California Constitution.*