

ASSEMBLY BILL

No. 299

Introduced by Assembly Member Brown

February 12, 2015

An act to add Article 7 (commencing with Section 116090.5) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 299, as introduced, Brown. Public health: drownings.

Existing law establishes the State Department of Public Health in state government. Existing law vests within the department certain duties and powers to protect and preserve the public health. Existing law provides for the regulation of recreational water use, as specified, including, but not limited to, swimming pools and wave pools.

This bill would require the State Department of Public Health to create, by regulation, a submersion incident report form for the reporting of all statewide drownings or near drownings, as specified. The bill would require the form to be used and completed by every local law enforcement entity, fire department, and any other first responder, as defined, for every drowning or near drowning for which the entity, department, or first responder provides services or investigates. The bill would require the form to be submitted to the department, and as specified.

By imposing additional duties on local entities, this bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. Article 7 (commencing with Section 116090.5)
2 is added to Chapter 5 of Part 10 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 7. Drownings
6

7 116090.5. (a) The department shall, by regulation, create a
8 submersion incident report form for the reporting of all statewide
9 drownings or near drownings for use as required pursuant to this
10 section. The form shall, at a minimum, include all of the following:

- 11 (1) The title, "Submersion Incident Report Form."
- 12 (2) A box to be filled in entitled, "Basic Incident Information"
13 to include the date of incident, time of incident, address of incident,
14 and type of dwelling.
- 15 (3) A box to be filled in entitled, "Victim Information" to include
16 the age and gender of the victim, the victim's race or ethnicity,
17 where the victim was last seen, the estimated length of time
18 submersed, the type of clothing worn by the victim, and whether
19 alcohol or drug use was involved.
- 20 (4) A box to be filled in entitled, "Water Source Information"
21 to include a description of the site of incident, water clarity, water
22 depth, water type, whether there were toys or objects in the water,
23 and, if applicable, whether the pool or spa was built before 1998.
- 24 (5) A box to be filled in entitled, "Adult Supervision" to include
25 a description of who the supervisor was at the time of, or prior to,
26 the incident, and whether a child protective services referral was
27 made.
- 28 (6) A box to be filled in entitled, "Barrier Information" to
29 include whether water barriers, other barriers, or an alarm were
30 present or activated and information on how the water was accessed
31 by the victim.

1 (7) A box to be filled in entitled, “Classes/Emergency
2 Preparation” to include whether rescue equipment was near the
3 water, whether cardiopulmonary resuscitation was performed and,
4 if so, by whom, whether the victim ever took swim classes, and
5 whether the victim was dead on the scene.

6 (b) The form created pursuant to subdivision (a) shall be used
7 and completed by every local law enforcement entity, fire
8 department, and any other first responder for every drowning or
9 near drowning for which the entity, department, or first responder
10 provides services or investigates. After completion, the form shall
11 be submitted to the department and to any other entity within the
12 city, county, or city and county that requires the collection of
13 drowning information or near drowning information.

14 (c) The department shall make the form available on its Internet
15 Web site in a manner that allows every city, county, and city and
16 county to download the form and use it as their official form for
17 purposes of subdivision (b).

18 (d) Notwithstanding subdivision (c), every city, county, and
19 city and county may also affix its official logo to the form and its
20 official contact information, including, but not limited to, phone
21 number, facsimile number, or electronic mail address.

22 (e) For purposes of this section, the following definitions shall
23 have the following meanings:

24 (1) “Department” means the State Department of Public Health.

25 (2) “First responder” includes, but is not limited to, any entity
26 that arranges for, or provides, emergency medical services within
27 its boundaries, including paramedic services.

28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.