



This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 116064.1 is added to the Health and Safety Code, to read:

116064.1. (a) As used in this section, the following words have the following meanings:

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

(2) "ASTM performance standard" means a standard that is developed and published by ASTM International.

(3) "Main drain" means a submerged suction outlet typically located at the bottom of a swimming pool that conducts water to a recirculating pump.

(4) "Public swimming pool" means any outdoor or indoor structure intended for swimming or recreational bathing that is open to the public generally, whether for a fee or free of charge, open exclusively to members of an organization and their guests, residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area, or patrons of a hotel or other public accommodations facility.

(5) "Safety vacuum release system" means a vacuum release system that ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected.

(6) "Unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(b) Subject to subdivisions (d) to (f), inclusive, every public swimming pool shall be equipped with anti-entrapment devices or systems that comply with the requirements of federal law.

(c) Subject to subdivisions (d) to (f), inclusive, every public swimming pool with a single main drain that is not an unblockable drain shall be equipped with at least one or more of the following devices or systems that are designed to prevent physical entrapment by pool drains and that meet the federal requirements applicable to that device or system:

(1) A safety vacuum release system that has been tested by an independent third party and found to conform to federal requirements.

(2) A suction-limiting vent system with a tamper-resistant

atmospheric opening.

(3) A gravity drainage system that utilizes a collector tank.

(4) An automatic pump shut-off system.

(5) A device or system that disables the drain.

(6) Any other system that is deemed, in accordance with federal law, to be equally effective as, or more effective than, the systems described in paragraphs (1) to (5), inclusive, at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(d) Subdivisions (b) and (c) shall apply to every public swimming pool constructed on or after December 19, 2009.

(e) Commencing December 19, 2009, whenever a construction permit is issued for the alteration of an existing public swimming pool, that public swimming pool shall be retrofitted so as to be in compliance with this section.

(f) A public swimming pool constructed prior to December 19, 2009, shall be retrofitted to comply with subdivisions (b) and (c) by no later than December 19, 2011.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to conform state law with federal requirements for the prevention of drowning, at the earliest possible time, it is necessary that this act take effect immediately.