

This bill:

- 1) Defines “public swimming pool” as a swimming pool operated for the use of the general public with or without charge, or for the use of the members and guests of a private club. Public swimming pool does not include a either of the following:
 - a) A swimming pool located on the grounds of a private single-family home.
 - b) A swimming pool located on or within a private balcony, patio, or terrace of, a condominium unit or hotel room.
- 2) Recasts the existing definition of “swimming pool” or “pool.”
- 3) Provides that pools or spas that are “on or within a private balcony, patio, or terrace of, a condominium unit or hotel room” are also required to be equipped with the same drowning prevention features as swimming pools and other spas required by the Act.
- 4) Removes, within the Act, references to “private single-family homes.”
- 5) Provides that a swimming pool or spa on or within a private balcony, patio, or terrace of, a condominium unit or hotel room, or at a private single-family home, shall not be subject to health and safety and building codes specific to public pools and spas.
- 6) Provides that the Act does not apply to a hot tub or spa that complies with a locking safety cover that complies with American Society for Testing and Materials (ASTM) International standards.
- 7) Provides that the Act does not apply to an apartment complex or any residential setting, except that it does apply to a swimming pool or spa on or within a private balcony, patio, or terrace of a condominium unit or hotel room, or at a private single-family home.
- 8) Clarifies that health, safety, and sanitation standards specific to public swimming pools do not apply to a pool on or within a public balcony, patio, or terrace of a condominium unit or hotel room.
- 9) Requires, on or before March 1, 2027, the CBSC to publish changes to the Act contained in this bill in the California Building Code, as specified.

- 10) Requires, on or before March 1, 2027, the State Department of Public Health to adopt regulations necessary to implement changes in this bill relative to the health, safety, and sanitation of public swimming pools, as specified. Until January 1, 2028, adoption and readoption of these regulations shall be deemed to be an emergency, as specified.

Background

Childhood drownings. According to the American Academy of Pediatrics website, drowning is the leading cause of unintentional injury-related death in U.S. children one through four years of age and, as of 2018, has surpassed birth defects as the most common cause of death among this age group. Drowning is the third leading cause of unintentional injury-related death among U.S. children and adolescents five through 19 years. In 2018, almost 900 U.S. children and youth under 20 years died of drowning, and more than 7,200 were seen at a hospital emergency department (ED) for a drowning event, with 35% of those children either hospitalized or transferred for further care. Childhood unintentional drowning fatality rates have decreased steadily from 2.68 per 100,000 in 1985 to 1.09 per 100,000 in 2018.

According to a CDPH safety brochure, drowning takes the lives of more California toddlers than any other kind of accident. Children who manage to survive a near drowning often suffer permanent brain damage from lack of oxygen. Most of these drownings take place at the homes of parents, relatives, or neighbors. CDPH recommends a combination of adult supervision and safety barriers for preventing drownings and states that, when around water, children must be kept in direct sight at all times, as children in water or next to water can drown immediately and silently, so there is no room for error.

Comments

- 1) *Author's statement.* "AB 1237 modernizes California's governance of swimming pools for condominium residents and hotel guests who have in-unit pools that only they can access. Current law only recognizes pools at single family residences as "private" pools and imposes many requirements on all other pools, even when not in common areas, that do not make sense for pools that are not accessible to the public. This bill will allow California to build new types of housing/lodging offered in other states and counties that offer an in-unit private pool that exceeds safety standards currently required for pools at private residences."

- 2) *Pool Safety Act*. California's original Pool Safety Act (Setencich, Chapter 925, Statutes of 1996), which went into effect on January 1, 1997, required all new swimming pools constructed at private, single-family homes be equipped with either a permanent fence, a pool cover meeting certain safety standards, exit alarms or self-closing, self-latching devices on all doors providing access to the pool, or another safety feature providing as least as much protection as the specified four. The act was amended in 2006 (Mullin, Chapter 478, Statutes of 2006) to reflect the availability of two additional drowning-prevention features: removable mesh fencing and pool alarms that sound when a person enters the water. The 2006 act also expanded the scope of the law to include pools that undergo a remodel requiring a building permit.

The Act was substantially amended in 2017 by SB 442 (Newman, Chapter 670) to require at least two pool safety features for pools when single-family homes with pools were transferred. The primary rationale for that change was that a single safety feature may malfunction or become disabled. This made sense when considering at least two of the allowable safety features are designed to be disabled: pool entry alarms can be put into "sleep" mode when the pool is in use, and removable fencing is, as the name suggests, removable. Similarly, door alarms may run out of batteries, and latches may break. The requirement for a second safety feature was intended to provide backup to busy families that forget to replace an alarm or a removable fence, or who cannot immediately fix a malfunctioning latch or alarm. SB 552 (Newman, Chapter 769, Statutes of 2024) further revised the requirements for a home inspector when conducting a home inspection of a private-single family home with a pool or spa and updated which drowning prevention features may be combined to meet specified safety requirements, among other changes. These changes were intended to ensure that any two safety features could not be installed in the same space, such that the failure of one device could result in the failure of both.

- 3) *Do more safety features mean fewer drownings?* Currently, the state does not comprehensively track the number and type of drowning prevention features that were installed on a pool where a drowning or near-drowning event occurred. In the absence of this data, it is impossible to know whether the single barrier previously required or the dual barrier now required under existing law is providing adequate protection.

SB 442 sought to place the burden of pool safety on pool owners by requiring them to control access to their pools. This may be a more direct and cost-efficient response to residential pool drownings than imposing extensive data collection requirements on state and local governments in order to inform future policy interventions. Ultimately, however, better protecting children's health

and safety will require more and better information about drowning accidents as well as additional safety requirements for residential pools. Recent legislation — SB 855 (Newman, Chapter 817, Statutes of 2022) — requires CDPH to create a pilot program with the goal of collecting detailed data on childhood fatal and nonfatal drownings in California, with a specific focus on children between one and four years old. By January 1, 2027, CDPH, in consultation with specific entities, is required to submit a report to the legislature including recommendations on the structure and operation of an ongoing data collection system, and effective, evidence-based state and local drowning prevention policies and practices.

- 4) *Expanding the application of the Act.* According to the sponsors, a question about the application of the Pool Safety Act to specific pools arose from a new mixed-use condominium and hotel development project. That mixed-use project will provide lap pools on the balcony of some of the rooms; according to the sponsors, these pools neither fit into the existing definition of a “public” swimming pool or a “private” swimming pool; this presented questions when the developer sought to get building permits about which building codes and health and safety standards applied to these pools.

This bill seeks to clarify that condo and hotel room pools and spas are subject to the same requirements as the Act. To do so, this bill adds a definition of “public swimming pool” to the Act to distinguish swimming pools and spas that have “common areas” from those that are private. Additionally, this bill clarifies in various health, safety, and sanitation code sections specific to “public” swimming pools do not apply to private swimming pools, including a pool on or within a public balcony, patio, or terrace of a condominium unit or hotel room.

- 5) *Gutted.* This bill was gut and amended on June 11th from a bill dealing with ticket sales.
- 6) *Double referral.* This bill was also referred to the Senate Health Committee.

Related/Prior Legislation

SB 552 (Newman, Chapter , Statutes of 2024) — revises the requirements for a home inspector when conducting a home inspection of a private-single family home with a pool or spa and updates which drowning prevention features may be combined to meet specified safety requirements, among other changes.

SB 855 (Newman, Chapter 817, Statutes of 2022) — requires the CDPH to establish the Childhood Drowning Data Collection Pilot Program and report its findings to the Legislature, develop a Water Safety Action Plan for Children, and develop a standardized electronic form for counties to use in reporting drowning statistics.

SB 442 (Newman, Chapter 670, Statutes of 2017) — requires newly constructed or remodeled swimming pools or spas at private single-family residences to incorporate at least two of seven specified drowning prevention safety features and additionally requires home inspections conducted as part of the transfer of a property with a pool or spa to include an assessment of whether the pool is equipped with adequate drowning prevention features.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 17th, 2026.)

SUPPORT:

Cain Development Lp
Los Angeles / Orange Counties Building and Construction Trades Council
Oak Knoll Advisors, LLC

OPPOSITION:

None received.

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