
SENATE COMMITTEE ON HEALTH

Senator Akilah Weber Pierson, Chair

BILL NO: AB 1237
AUTHOR: McKinnor
VERSION: June 11, 2026
HEARING DATE: July 1, 2026
CONSULTANT: Reyes Diaz

SUBJECT: Swimming pool safety: building codes: condominium and hotel rooms

SUMMARY: Exempts throughout public pool safety law a swimming pool, spa, and nonportable wading pool located on or within a private balcony, patio, or terrace of, a condominium unit or hotel room from the definition of “public swimming pool” for purposes of meeting public pool safety requirements. Instead requires these types of pools to comply with private pool safety requirements. Requires the Department of Public Health and the California Building Standards Commission to update necessary regulations on an emergency basis to implement the provisions of this bill.

Existing federal law: Defines an inn, hotel, motel, or other place of lodging, as well as other private entities, as public accommodation, if the operations of such entities affect commerce, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor. [42 USC §12181]

Existing law:

- 1) Establishes the California Department of Public Health (CDPH) to be vested with all the duties, powers, purposes, functions, responsibilities, and jurisdiction as they relate to public health. [HSC §131050]
- 2) Requires, pursuant to the Swimming Pool Safety Act (SPSA), when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa to be equipped with at least two of seven drowning prevention safety features, such as fences, pool covers, alarms, self-closing and self-latching devices, or other specified means of protection. [HSC §115922(a)]
- 3) Requires an appropriate inspection, in connection with a transfer of real property with a swimming pool or spa, to include a noninvasive physical examination of the pool or spa and dwelling, to identify which, if any, of the seven specified drowning prevention safety features the pool or spa is equipped with, in good repair, operable as designed, and, if applicable, appropriately labeled. Requires a home inspection report to include specified information, including which, if any, of the drowning prevention safety features a pool or spa is equipped with. [BPC §7195(a)(2) and (c)]
- 4) Deems that the requirements in pool safety law do not apply to public swimming pools; hot tubs or spas with locking safety covers that comply with the Advancing Standards Transforming Markets International F1346 standard; or, an apartment complex, or any residential setting other than a single-family home. [HSC §115925]

- 5) Defines “public swimming pool” as any public swimming pool, bathhouse, public swimming and bathing place and all related appurtenances. [HSC §116025]
- 6) Requires every person operating or maintaining a public swimming pool to do so in a sanitary, healthful, and safe manner. Requires every public swimming pool, including swimming pool structure, appurtenances, operation, source of water supply, amount and quality of water recirculated in the pool, method of water purification, lifesaving apparatus, measures to insure safety of bathers, and measures to insure personal cleanliness of bathers to be such that the public swimming pool is at all times sanitary, healthful, and safe. [HSC §116040 and 116043]
- 7) Defines “public swimming pool,” pursuant to the Yasmin Paleso’s Memorial Swimming Pool Safety Law regarding design and installation of all underwater lighting systems, as any 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, including any swimming pool located on the grounds of a hotel, motel, inn, an apartment complex, or any residential setting other than a single-family home. For purposes of this law, public swimming pool does not include a swimming pool located on the grounds of a private single-family home. [HSC §116049.1]
- 8) Requires CDPH to make and enforce regulations pertaining to public swimming pools as it deems proper and to enforce building standards published in the State Building Standards Code relating to public swimming pools, provided that no rule or regulation as to design or construction of pools applies to any pool that has been constructed before the adoption of the regulation, if the pool as constructed is reasonably safe and the manner of the construction does not preclude compliance with the requirements of the regulations as to bacteriological and chemical quality and clarity of the water in the pool. Requires CDPH to adopt and submit building standards for approval to the California Building Standards Commission. [HSC §116050]
- 9) Requires every health officer to enforce the building standards published in the State Building Standards Code relating to swimming pools and the other regulations adopted by CDPH pursuant to public pool safety law in his or her jurisdiction. [HSC §116053]
- 10) Defines “public swimming pool,” for purposes of requiring anti-entrapment devices or safety vacuum release systems, as an outdoor or indoor structure, whether in-ground or above-ground, intended for swimming or recreational bathing, including a swimming pool, hot tub, spa, or nonportable wading pool, that is any of the following:
 - a) Open to the public generally, whether for a fee or free of charge;
 - b) Open exclusively to members of an organization and their guest; 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; or,
 - c) Located on the premises of an athletic club, or public or private school. [HSC §116064.2(a)(4)]

This bill:

- 1) Exempts throughout the SPSA a swimming pool and spa located on or within a private balcony, patio, or terrace of, a condominium unit or hotel room from the definition of “public swimming pool” for purposes of meeting public pool safety requirements. Instead requires

these pools to comply with swimming pool safety requirements applicable to private single-family home pools.

- 2) Prohibits 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, from being subject to a requirement applicable to a “public swimming pool,” “public pool,” “public pool site,” or “spa,” as those terms are used in, including, but not limited to, any of the following: public pool safety law, California Building Code standards, and public pool regulations.
- 3) Adds a swimming pool or spa on or within a private balcony, patio, or terrace of, a condominium unit or hotel room to pool safety law applicable to a private single-family home.
- 4) Exempts a swimming pool, hot tub, spa, or nonportable wading pool, on or within a private balcony, patio, or terrace of, a condominium unit or hotel room from public pool safety law requiring an anti-entrapment device or system.
- 5) Requires the California Building Standards Commission, on or before March 1, 2027, to publish regulations within its purview to implement provisions in this bill.
- 6) Requires CDPH, on or before March 1, 2027, adopt regulations, as necessary, to implement this bill related to amending the definition of “public swimming pool” to exempt pools, spas, and wading pools located at hotels and condominiums as this bill envisions.
- 7) Requires the adoption and readoption of regulations, until January 1, 2028, by CDPH to be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare, and deems that the CDPH and California Building Standards Commission are exempted from the requirement that they describe facts showing the need for immediate action and from review of the emergency regulations by the Office of Administrative Law.

FISCAL EFFECT: This bill has not been analyzed by a fiscal committee.

PRIOR VOTES: Not relevant.

COMMENTS:

- 1) *Author’s statement.* According to the author, this bill 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 countries that offer an in-unit private pool that exceeds safety standards currently required for pools at private residences. The author states interest in this bill is simple: to provide as many options for new construction, without sacrificing safety, as Los Angeles rebuilds from the devastating wildfires and prepares to host the world for the 2028 Olympics.
- 2) *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 of age died of drowning, and more than 7,200 were seen at a hospital emergency department 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.

- 3) *Pool safety, public and private.* According to CDPH’s website, Assembly Bill 1020 (Emmerson, Chapter 1020, Statutes of 2009) was enacted to ensure California law is in conformance with federal safety standards (Virginia Graeme Baker Pool and Spa Safety Act), designed to prevent entrapment hazards associated with public swimming pools and spas. More specifically, this law increased the safety of public swimming pools and spas by: 1) adopting the federal swimming pool and spa drain cover standard; and, 2) ensuring that public swimming pools and spas are equipped with proper safety devices. The updates in AB 1020 also, in part, adopted the majority of the definition in the federal safety standards for public swimming pools, which is noted in Existing Law 10) above. In California, all public swimming pools are regulated in the same way, whether they are in hotels, parks, or apartment complexes—separate from private swimming pools that serve more than a single-family home.

California’s original Pool Safety Act was enacted by AB 3305 (Setencich, Chapter 925, Statutes of 1996), which 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. State law for private pools was amended by AB 2977 (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. AB 2977 also expanded the scope of the law to include pools that undergo a remodel requiring a building permit. SB 442 (Newman, Chapter 670, Statutes of 2017) amended private pool law further to require at least two pool safety features 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, as 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 removable. Similarly, door alarms may run out of batteries, and latches may break. SB 552 (Newman, Chapter 769, Statutes of 2024) added requirements for an 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. 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.

- 4) *Model Aquatic Health Code (MAHC)*. According to the Centers for Disease Control and Prevention (CDC) 2024 MAHC, swimming, relaxing, and playing in water have been global pastimes throughout written history. Twentieth century advances in aquatics—combining disinfection, filtration, and recirculation systems—led to an explosion in the use of residential and public aquatic venues (pools, hot tubs, and water playgrounds). Advances in public aquatic facility design have pushed the horizons of aquatic facilities from the traditional rectangular community pool to the multi-venue waterpark hosting tens of thousands of users per day. Indoor public aquatic facilities have transformed pools and waterparks into year-round attractions. The MAHC says public aquatic facility operation can be improved through engineering, education, and enforcement. The increase in the number of reported waterborne disease outbreaks and the continued occurrence of drowning and other injuries suggest the prevention of public aquatic venue-associated illness, injury, disability, and death would benefit from building stronger environmental health regulatory programs and supporting them with strong partnerships. The MAHC further states it also would be useful for public health officials to continue to play their strong role in overseeing design and construction, advising on operation and maintenance, and helping inform policy and management, as working in close collaboration with building code officials strengthens the overall coordination needed to prioritize public health at public aquatic facilities. The MAHC is a set of voluntary guidance based on science and best practices developed to help programs that regulate public aquatic facilities reduce the risk of illness, injury, disability, and death in their communities. The CDC states creation of the MAHC was the major recommendation of a 2005 national workshop, which was charged with developing recommendations to reduce the incidence of outbreaks.

In a Notice of Proposed Rulemaking from May 27, 2016, CDPH noted some regulations were being updated so that they were not in conflict with 2014 MAHC guidance regarding chlorine action levels. While CDPH does not fully adopt all MAHC recommendations and instead uses California law, which is more stringent, there are parts of the MAHC guidance the local health officers use when enforcing public pool safety laws.

- 5) *Double referral*. This bill was heard in the Senate Housing Committee on June 24, 2026, and passed with a 10-0 vote.
- 6) *Support*. Cain Development LP, as sponsor, states “One Beverly Hills” is a multi-billion dollar project under construction and includes major upgrades to the legendary Beverly Hilton, a new Aman Hotel, residential, retail, and restaurant components and publicly accessible Botanical Gardens. In addition to the Hilton Hotel, the new Aman hotel and restaurants and retail stores are scheduled to be open in time for the 2028 Olympic and Paralympic Games. Cain Development and other supporters argue this bill clears up the current ambiguity in the law as it relates to hotel and condominium pools, while requiring measures are in place to ensure the safety of these pools and those who will enjoy them. Supporters state this bill will assist the One Beverly Hills project to stay on schedule during its construction by making clear that the hotel and condominium pools included as part of the project fall under the requirements of California's Swimming Pool Safety Act, applicable to private single-family pools. California is doing everything in its power to be ready to welcome our guests from around the world, including by ensuring that the Southern California community has sufficient hotel capacity. The One Beverly Hills Project is one of many venues anticipated to be available for the 2028 Games.

- 7) *Support if amended.* The California Coalition for Children's Safety and Health (CCCSH) and the Drowning Prevention Foundation (DPF) state they appreciate the author's efforts to ensure the private terrace and balcony pools addressed in this bill are safe and do not create a new drowning burden for the children and families as guests in those special hotel rooms and living in those condominiums. CCCSH/DPF know a lot about the location and situations where different age groups of children suffer from fatal and non-fatal drowning. For young children drowning primarily occurs in residential and private pools. CCCSH/DPF say there are six major safety issues not currently in this bill but understand that each of these were committed to by the author with the caveat the final details would be crafted with the intent to have these issues addressed before the bill comes out of the Senate Appropriations Committee. Four of the issues CCCSH/DPF state they are particularly concerned about and, thus, would support this bill if it were amended to include the safety measures CCCSH/DPF contend the author has committed to taking are:
- a) *Automatic external defibrillators (AEDs):* require having AEDs placed in the vicinity where the hotel and condominiums with terrace and balcony pools will be located. We are not requiring AEDs at each pool but in placement where the life saving and inexpensive devices can readily be accessed near these special terrace and balcony pool rooms;
 - b) *Emergency communication devices:* require Underwriters Laboratories and Federal Communications Commission two-way communication and geolocation devices at each pool side;
 - c) *Pool safety covers or optional mesh fencing to isolate the pool from the room:* require either an ATSM approved pool safety cover or a temporary American Society for Testing and Materials (ATSM) approved five-foot safety fence with self-closing and latching gate the hotel can deploy when young children are to be in the room or condominium to keep the children from accessing the pool when it is closed and not supposed to have the children at the pool unsupervised; and,
 - d) *Virginia Graeme Baker drain and suction anti-entrapment equipment:* require these pools be designed to meet California's requirements and equivalent to the national Virginia Graeme Baker drain and suction equipment requirements to prevent young children being entrapped by the suction of the pool's water circulation equipment.
- 8) *Opposition.* The California Association of Environmental Health Administrators (CAEHA) state that drowning remains a leading cause of injury-related death, particularly among young children, with hundreds of fatalities occurring annually in California. This bill, as currently drafted, would create a pathway for certain hotel-based pools to be treated as private residential pools rather than public swimming pools, thereby exempting them from longstanding health and safety protections. As a result, these pools would not be subject to critical safeguards, including inspection and enforcement, on-going verification of anti-entrapment equipment, water sanitation and circulation standards, and incident response protocols. Without these core protections, this subset of hotel-based pools could operate without consistent oversight, verified water quality, or enforceable safety standards. CAEHA recognizes the author's efforts related to condominium properties and is neutral on the provisions addressing condominium units. However, there are significant concerns regarding the inclusion of hotel room swimming pools and spas under the same framework. CAEHA argues this bill does not adequately address construction and design safety considerations for individual room pools, including safe entry and exit features, water purification systems, health and safety signage, and adequate space for emergency response. Individual room installations introduce additional risks, such as structural concerns, water containment issues, and increased likelihood of unsupervised child access and potential drowning. Additionally,

this bill does not clearly define enforcement authority or inspection responsibility of local public and/or environmental health departments, creating the potential for inconsistent statewide implementation and regulatory ambiguity. CAEHA further argues while this bill proposes certain safety features, these measures are insufficient for pools in transient lodging settings. Emergency communication systems, limited AED access, and record-based testing requirements do not replace comprehensive operational and health standards. Optional safety barriers, like removable child safety fencing, are inadequate to protect young children in hotel environments.

CAEHA respectfully requests amendments to remove provisions related to swimming pools and spas on hotel balconies, terraces, and patios, and maintain classification of all hotel-based pools as “public swimming pools.” Absent these amendments, this bill would weaken existing protections and introduce avoidable risks, particularly for vulnerable populations, like children and the elderly.

9) *Policy comment.* State law deems all pools and spas on the grounds of a hotel as public pools subject to health and safety requirements overseen by local health officers. While the author and sponsor contend this bill introduces a new model of pools and spas not envisioned by implementing pool safety laws, existing law clearly encompasses any pool on the grounds of a hotel—outdoor or indoor, in or above ground—being deemed public swimming pools. The Committee may wish to consider if rolling back oversight of these pools and spas is sound public policy.

10) *Author’s proposed amendments.* To address some of the concerns regarding health and safety oversight, in addition to applying private pool safety laws to the pools and spas envisioned in this bill, the author is contemplating further amendments to require additional safety features described below. Further amendments under consideration include:

- a) Updating standards private pools are required to meet; and,
- b) Adding to private pool safety law, when a permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa on or within a private balcony, patio, or terrace of a hotel room, requirements for: (1) an emergency call communications system; (2) automatic external defibrillators; (3) a Covenant and Agreement entered into by the owner or operator of the hotels with the local building official providing that each pool or spa will be maintained under the supervision of a certified pool operator (CPO) who holds a current certification from the Pool & Hot Tub Alliance Certified Pool & Spa Operator program or another pool operator training and certification program that’s equivalent; (4) water depth markings; and, (5) a Covenant and Agreement entered into by the owner or operator of the hotel with the local building official providing that a pool cover that complies with a generally recognized standard will be installed upon the request of a hotel guest occupying the room.

SUPPORT AND OPPOSITION:

Support: Cain Development (sponsor)
 California Pool & Spa Association
 Los Angeles / Orange Counties Building and Construction Trades Council
 Oak Knoll Advisors, LLC.

Oppose: California Association of Environmental Health Administrators (unless amended)