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**AB-1766 Swimming pools: public safety.** (2017-2018)

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**Assembly Bill No. 1766**

**CHAPTER 270**

An act to amend Section 116045 of, to amend the heading of Article 5 (commencing with Section 116025) of Chapter 5 of Part 10 of Division 104 of, and to add Section 116046 to, the Health and Safety Code, relating to swimming pools.

[ Approved by Governor September 06, 2018. Filed with Secretary of State September 06, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1766, Maienschein. Swimming pools: public safety.

Existing law provides for the regulation of private swimming pools. Existing law also provides for the regulation of public swimming pools by the State Department of Public Health. Existing law requires the provision of lifeguard services at any public swimming pool that is of wholly artificial construction and for the use of which a direct fee, as defined, is imposed. A violation of those provisions is a crime.

This bill would require those public swimming pools, as defined, that are required to provide lifeguard services and that charge a direct fee to additionally provide an Automated External Defibrillator (AED) during pool operations, as specified. Because the failure to comply with these provisions would be a crime, the bill would create a state-mandated local program. The bill would also require the State Department of Education, in consultation with the State Department of Public Health, to issue best practices guidelines related to pool safety at K–12 schools, as specified.

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 a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** The heading of Article 5 (commencing with Section 116025) of Chapter 5 of Part 10 of Division 104 of the Health and Safety Code is amended to read:

**Article 5. Swimming Pool Sanitation and Safety**

**SEC. 2.** Section 116045 of the Health and Safety Code is amended to read:

**116045.** (a) Lifeguard service shall be provided for any public swimming pool that is of wholly artificial construction and for the use of which a direct fee is charged. For all other public swimming pools, lifeguard service shall be provided or signs shall be erected clearly indicating that the service is not provided.

(b) Every public swimming pool that is required to provide lifeguard services and that charges a direct fee, as defined in subdivision (e), shall provide on its premises an Automated External Defibrillator (AED) unit. The AED unit shall be readily available during pool operations.

(c) (1) In order to ensure public safety, a person or entity that acquires an AED pursuant to these provisions shall comply with Section 1797.196.

(2) Pursuant to subdivision (d) of Section 1714.21 of the Civil Code, a person or entity that acquires an AED for emergency care pursuant to this section shall not be liable for any civil damages resulting from any acts or omissions in the rendering of emergency care by use of the AED.

(3) Pursuant to subdivision (b) of Section 1714.21 of the Civil Code, a volunteer who in good faith renders emergency care or treatment at the scene of an emergency with the use of an AED that is provided under this section shall not be liable for any civil damages resulting from any acts or omissions in rendering the emergency care, subject to the limitation in subdivision (e) of that section.

(d) For purposes of this section, a complex of two or more proximate pools that charges a single fee for admission to all of those pools shall be considered one single public swimming pool.

(e) For purposes of this section, the following definitions shall apply:

(1) "Direct fee" means a separately stated fee or charge for the use of a public swimming pool to the exclusion of any other service, facility, or amenity.

(2) "Public swimming pool" means any public swimming pool defined in Section 116025 that is open to the public.

**SEC. 3.** Section 116046 is added to the Health and Safety Code, to read:

**116046.** (a) The State Department of Education, in consultation with the State Department of Public Health, shall issue best practices guidelines related to pool safety at K–12 schools.

(b) Guidelines promulgated pursuant to this section that relate to the use or placement of automated external defibrillators shall be consistent with the requirements imposed under Section 1797.196, and shall include a reference to Section 49417 of the Education Code for purposes of providing information to schools about the liability protections and funding mechanisms provided in that section.

**SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because 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.