

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Representative Rye

A Bill

HOUSE BILL 1016

For An Act To Be Entitled

8 AN ACT TO CREATE ALEX'S LAW: TO IMPROVE RESIDENTIAL
9 SWIMMING POOL SAFETY TO PREVENT CHILD DROWNINGS; AND
10 FOR OTHER PURPOSES.

Subtitle

16 ALEX'S LAW: TO IMPROVE RESIDENTIAL
17 SWIMMING POOL SAFETY TO PREVENT CHILD
18 DROWNINGS.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23 SECTION 1. Arkansas Code Title 20, Chapter 27, is amended to add an
24 additional subchapter to read as follows:

Subchapter 28 – Residential Swimming Pool Safety

20-27-2801. Title.

29 This subchapter shall be known and may be cited as “Alex’s Law: To
30 Improve Residential Swimming Pool Safety To Prevent Child Drownings”.

20-27-2802. Purpose.

33 The purpose of this subchapter is to:

- 34 (1) Promote residential swimming pool safety awareness;
35 (2) Preserve human life by taking steps to reduce preventable
36 accidental drowning deaths of children who are under five (5) years of age in



1 residential swimming pools; and

2 (3) Require residential swimming pool owners to construct and
 3 maintain barriers that will help prevent young children from gaining access
 4 to residential swimming pools.

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 6 20-27-2803. Definitions.

7 As used in this subchapter:

8 (1) "Barrier" means a fence, wall, or structure that prevents
 9 entry to a swimming pool area except through self-closing, self-latching, and
 10 lockable gates or doors;

11 (2) "Residential swimming pool" means a structure of all man-
 12 made materials, located either indoors or outdoors, that is used for bathing
 13 or swimming at a single-family residence, including without limitation a:

14 (A) Hot tub;

15 (B) Wading pool;

16 (C) Spa; and

17 (D) Special purpose pool; and

18 (3) "Swimming pool deck" means the hardscape area around the
 19 residential swimming pool, including the coping.

20
 21 20-27-2804. Residential swimming pool safety.

22 A residential swimming pool shall be surrounded by a barrier that:

23 (1) Is at least four feet (4') in height;

24 (2) Does not have horizontal open spaces greater than four
 25 inches (4") in width; and

26 (3) Does not have more than four inches (4") of space between
 27 the bottom of the barrier and the surface of the ground or the residential
 28 swimming pool deck.

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 30 20-27-2805. Rules.

31 The Department of Health shall adopt rules to ensure compliance with
 32 this subchapter.

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 34 20-27-2806. Penalty.

35 (a) The owner of a residential swimming pool that is not in compliance
 36 with the requirements of this subchapter shall receive notice of the

1 violation.

2 (b)(1) If the owner of a residential swimming pool does not meet the
3 requirements of this subchapter within forty-five (45) days after the owner's
4 receipt of notice under subsection (a) of this section, the owner shall be
5 fined not less than two hundred fifty dollars (\$250) nor more than five
6 hundred dollars (\$500).

7 (2) Each day that the residential swimming pool remains out of
8 compliance after the forty-five day period described in subdivision (b)(1) of
9 this section shall constitute a separate violation.

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