

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: H2/22/21 H3/9/21

# A Bill

HOUSE BILL 1016

By: Representative Rye

## For An Act To Be Entitled

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

### Subtitle

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

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

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

#### Subchapter 28 – Residential Swimming Pool Safety

##### 20-27-2801. Title.

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

##### 20-27-2802. Purpose.

The purpose of this subchapter is to:

(1) Preserve human life by promoting residential swimming pool safety awareness to reduce preventable accidental drowning deaths of children who are under five (5) years of age in residential swimming pools; and



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

20-27-2803. Definitions.

As used in this subchapter:

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

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

(A) Hot tub;

(B) Wading pool;

(C) Spa; and

(D) Special purpose pool; and

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

20-27-2804. Residential swimming pool safety – Educational materials.

(a) Residential swimming pool owners need to be educated on the benefits of surrounding a swimming pool with a barrier that:

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

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

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

(b) The Department of Health shall:

(1) Develop informational and educational material concerning:

(A) Residential swimming pool barriers; and

(B) Other residential swimming pool safety measures that may be beneficial to a residential swimming pool owner; and

(2) Provide the informational and educational materials required under subdivision (b)(1) of this section on the department's website.

(c) Any person entering into an agreement to install, construct,

repair, or remodel a residential swimming pool shall give the residential swimming pool owner a letter containing the informational and educational material provided on the department's website under subdivision (b)(1) of this section.

20-27-2805. International Swimming Pool and Spa Code.

(a) The Department of Health shall convene a work group to study the feasibility of adopting the International Swimming Pool and Spa Code of the International Code Council, which regulates the minimum requirements for the design, construction, alteration, repair, and maintenance of swimming pools, spas, hot tubs, and aquatic facilities.

(b) The work group shall study the feasibility of the adoption of the International Swimming Pool and Spa Code by:

(1) The state;

(2) Counties; and

(3) Municipalities.

(c)(1) The work group:

(A) Shall consist of:

(i) One (1) member from the Department of Health;

(ii) One (1) member from the State Fire Marshal's office;

(iii) One (1) member from the Pool and Hot Tub Alliance;

(iv) A pool and spa contractor; and

(v) An International Code Council-certified building official; and

(B) May also include:

(i) Representatives from other appropriate state agencies; and

(ii) Stakeholders that promote swimming pool safety practices and safety guidelines.

(2) A member of the work group shall not receive per diem for services performed as a member of the work group.

/s/Rye