

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Representative Rye
6

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

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:

26 Subchapter 28 – Residential Swimming Pool Safety

28 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”.

32 20-27-2802. Purpose.

33 The purpose of this subchapter is to:

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



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

4
5 20-27-2803. Definitions.

6 As used in this subchapter:

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

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

13 (A) Hot tub;

14 (B) Wading pool;

15 (C) Spa; and

16 (D) Special purpose pool; and

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

19
20 20-27-2804. Residential swimming pool safety – Educational materials.

21 (a) Residential swimming pool owners need to be educated on the
22 benefits of surrounding a swimming pool with 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.

29 (b) The Department of Health shall:

30 (1) Develop informational and educational material concerning:

31 (A) Residential swimming pool barriers; and

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

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

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

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

5
6 20-27-2805. International Swimming Pool and Spa Code.

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

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

14 (1) The state;

15 (2) Counties; and

16 (3) Municipalities.

17 (c)(1) The work group:

18 (A) Shall consist of:

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

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

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

24 (iv) A pool and spa contractor; and

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

27 (B) May also include:

28 (i) Representatives from other appropriate state
29 agencies; and

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

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

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36 /s/Rye