



General Assembly

February Session, 2024

Raised Bill No. 5169

LCO No. 121



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING THE REQUIREMENT TO INSTALL SWIMMING POOL BARRIERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) On or after July 1, 2024,
2 no building permit shall be issued for the construction or substantial
3 alteration of a swimming pool unless a barrier that complies with the
4 requirements of Section 305 of the International Swimming Pool and Spa
5 Code portion of the State Building Code is installed, or is included in the
6 plan for such construction or substantial alteration to be installed,
7 around such pool. No powered safety cover, as defined in Section 305 of
8 the International Swimming Pool and Spa Code, may be installed in lieu
9 of any barrier fence around such pool.

10 (b) (1) Any owner of a swimming pool that is not subject to the
11 provisions of subsection (a) of this section and that, as of July 1, 2024, is
12 surrounded by a barrier that complies with the requirements of Section
13 305 of the International Swimming Pool and Spa Code portion of the
14 State Building Code, shall maintain such barrier in compliance with said
15 section and shall not be permitted to remove such barrier except for the

16 purposes of replacing or repairing such barrier.

17 (2) Any owner of a swimming pool that is not subject to the
18 provisions of subsection (a) of this section and that, as of July 1, 2024, is
19 not surrounded by a barrier that complies with the requirements of
20 Section 305 of the International Swimming Pool and Spa Code portion
21 of the State Building Code, shall have a barrier that complies with the
22 requirements of said section installed not later than July 1, 2025.

23 (c) The provision of Section 305 of the International Swimming Pool
24 and Spa Code portion of the State Building Code that permits the
25 installation of a powered safety cover that complies with ASTM F1346
26 as an exception to the requirements of said section shall have no effect
27 and shall not be construed as an exception to the requirements in
28 subsection (a) or (b) of this section for the installation and maintenance
29 of a barrier around a swimming pool that complies with the
30 requirements of said Section 305.

31 (d) The provisions of this section shall be enforced as if such
32 provisions were included within the State Building Code, except the
33 State Building Inspector may not grant variances or exemptions from,
34 or approve equivalent or alternate compliance with, the requirements of
35 this section that would (1) permit the installation of any pool cover or
36 alarm to satisfy any requirement concerning the installation and
37 maintenance of a barrier around a swimming pool, or (2) have a
38 negative impact on safety in the determination of the State Building
39 Inspector.

40 (e) On or after July 1, 2024, no certificate of compliance or other
41 approval for use shall be issued for the construction or substantial
42 alteration of a swimming pool unless a barrier that complies with the
43 requirements of Section 305 of the International Swimming Pool and Spa
44 Code portion of the State Building Code is installed around such pool,
45 except that no powered safety cover, as defined in said Section 305, may
46 be installed in lieu of any barrier fence around such pool.

47 (f) As soon as practical after the effective date of this section, the

48 Department of Administrative Services shall (1) inform all local building
49 officials of the requirements of this section, and (2) conspicuously post
50 on the department's Internet web site a notice of the provisions of this
51 section and the provisions of the State Building Code preempted by the
52 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	New section
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Statement of Purpose:

To prohibit the issuance of a building permit for the construction or substantial alteration of a swimming pool unless certain barriers are included in the construction plan.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]