



General Assembly

**Substitute Bill No. 5169**

February Session, 2024



**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 and after July 1, 2024,  
2 no building permit shall be issued for the construction or substantial  
3 alteration of an in-ground swimming pool unless a barrier that complies  
4 with the requirements of Section 305 of the International Swimming  
5 Pool and Spa Code portion of the State Building Code revised to October  
6 1, 2022, is installed, or is included in the plan for such construction or  
7 substantial alteration to be installed, around such pool. No powered  
8 safety cover, as defined in Section 305 of the International Swimming  
9 Pool and Spa Code, may be installed in lieu of any barrier around such  
10 pool. For the purposes of this section, "in-ground swimming pool"  
11 means any structure intended for swimming or recreational bathing  
12 constructed below grade and containing water more than twenty-four  
13 inches deep.

14 (b) (1) Any owner of an in-ground swimming pool that is not subject  
15 to the provisions of subsection (a) of this section and that, as of July 1,  
16 2024, is surrounded by a barrier that complies with the requirements of  
17 Section 305 of the International Swimming Pool and Spa Code portion  
18 of the State Building Code revised to October 1, 2022, shall maintain

19 such barrier in compliance with said section and shall not remove such  
20 barrier except for the purposes of replacing or repairing such barrier.

21 (2) Any owner of an in-ground swimming pool that is not subject to  
22 the provisions of subsection (a) of this section and, as of July 1, 2024, is  
23 not surrounded by a barrier that complies with the requirements of  
24 Section 305 of the International Swimming Pool and Spa Code portion  
25 of the State Building Code revised to October 1, 2022, shall install a  
26 barrier that complies with the requirements of said section installed not  
27 later than July 1, 2025.

28 (c) The provision of Section 305 of the International Swimming Pool  
29 and Spa Code portion of the State Building Code revised to October 1,  
30 2022, concerning the installation of a powered safety cover or retractable  
31 cover that complies with ASTM F1346 as an exception to the  
32 requirements of said section shall have no effect and shall not be  
33 construed as an exception to the requirements in subsection (a) or (b) of  
34 this section for the installation and maintenance of a barrier around an  
35 in-ground swimming pool that complies with the requirements of said  
36 Section 305.

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

46 (e) On and after July 1, 2024, no certificate of compliance or other  
47 approval for use shall be issued for the construction or substantial  
48 alteration of an in-ground swimming pool unless a barrier that complies  
49 with the requirements of Section 305 of the International Swimming  
50 Pool and Spa Code portion of the State Building Code revised to October

51 1, 2022, is installed around such pool, and no powered safety cover, as  
52 defined in said Section 305, or any retractable cover may be installed in  
53 lieu of any barrier fence around such pool.

54 (f) As soon as practicable after the effective date of this section, the  
55 Department of Administrative Services shall (1) inform all local building  
56 officials of the requirements of this section, and (2) conspicuously post  
57 on the department's Internet web site a notice of the provisions of this  
58 section and the provisions of the State Building Code preempted by the  
59 provisions of this section.

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

**PD**      *Joint Favorable Subst.*