# CHANGE WITHOUT REGULATORY EFFECT EXPRESS TERMS AND RATIONALE FOR PROPOSED BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION REGARDING THE 2025 CALIFORNIA BUILDING CODE and 2025 CALIFORNIA RESIDENTIAL CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 2 and 2.5 (BSC 01/24 CWoRE)

The state agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific. See Government Code Section 11346.2(a).

If using assistive technology, please adjust your settings to recognize underline, strikeout, italic and ellipsis.

## LEGEND for EXPRESS TERMS (Based on model codes – Parts 2, 2.5, 3, 4, 5, 7, 9, 10)

* Model Code language appears upright
* Existing California amendments appear in *italic*
* Amended model code or new California amendments appear *underlined & italic*
* Repealed model code language appears ~~upright and in strikeout~~
* Repealed California amendments appear in *~~italic and strikeout~~*
* Ellipses ( …) indicate existing text remains unchanged

## CWoRE EXPRESS TERMS

### ITEM 1 2025 CALIFORNIA BUILDING CODE (Part 2 of Title 24), Chapter 31 SPECIAL CONSTRUCTION

**Section *3109.2 California Swimming Pool Safety Act (statewide).***

*NOTE: These regulations are subject to local government modification. You should verify the applicable local government requirements at the time of application for a building permit.*

*The following text in this section contains the statutory language in the Swimming Pool Safety Act (HS Code, §§ 115920 – 115929) that is required to be duplicated and published in California Code of Regulations, Title 24. As such, the section numbers reflect those within the Health and Safety Code.*

***115920.*** *This act …*

***115921.*** *As used in this article, the following terms have the following meanings:*

*(a) “Swimming pool” …*

*(b) “Public swimming pool” …*

*(c) “Enclosure” …*

*~~(d) “Approved safety pool cover” means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.~~*

*~~(e) “Exit alarms” means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.~~*

*(d) ~~(f)~~ “ANSI/APSP performance standard” means a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).*

*(e) ~~(g)~~ “Suction outlet” means a fitting or fixture typically located at the bottom or on the sides of a swimming pool that conducts water to a recirculating pump.*

*(Amended by Stats. ~~2012, Ch. 679, Sec. 1. (AB 2114) Effective January 1, 2013~~. 2024, Ch 769 (SB 552) Effective January 1, 2025.)*

***115922****. (a) Except as provided in Section 115925, subject to subdivision (b), and consistent with Section 1596.814, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with at least two of the following seven drowning prevention safety features:*

*(1) An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single-family home.*

*(2) Removable mesh fencing that meets ~~American Society for Testing and Materials (ASTM) Specifications F2286 standards~~  the ASTM International F2286 standard in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.*

*(3) ~~An approved safety pool cover, as defined in subdivision (d) of Section 115921.~~ A manually operated or power-operated safety pool cover that is accompanied by a label verifying that the cover meets the specifications of the ASTM International F1346-23 standard.*

*(4) Exit alarms on the private single-family home’s doors and windows that provide direct access to the swimming pool or ~~spa. The exit alarm may cause either an alarm noise or a~~ spa without any intervening enclosure. Whenever any door or window is opened or left ajar, exit alarms shall make either an audible, continuous alarm sound or a repeating verbal warning, such as a ~~repeating~~ notification that “the door to the pool is open.” An exit alarm may be battery operated or connected to the electrical wiring of the building.*

*(5) A self-closing, …*

*(6) An alarm in good repair and operable as designed that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM ~~Standard F2208 “Standard Safety Specification for Residential Pool Alarms,”~~ International F2208 standard ~~which~~ that includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.*

*(7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by ~~the~~ ASTM ~~or~~ International, the American Society of Mechanical Engineers ~~(ASME)~~, or another nationally recognized standards development organization, and the feature is accompanied by a label verifying that the protection meets those standards.*

*(b) The requirements of subdivision (a) are not satisfied by any of the following:*

1. *An exit alarm and a self-closing, self-latching device on the same door.*
2. *An exit alarm and a door latch on separate doors*
3. *A safety pool cover and an alarm described in paragraph (6) of subdivision (a).*

*(c) ~~(b)~~ Before the issuance of a final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention features required by this section and, if no violations are found, shall give final approval.*

*(Amended by Stats. ~~2017, Ch. 670, Sec. 4. (SB 442) Effective January 1, 2018~~* *2024, Ch. 745 (AB 2866) and Ch 769 (SB 552) Effective January 1, 2025.)*

***115923.*** *An enclosure …*

***115924.*** *(a) Any person …*

***115925.*** *The requirements of this article do not apply to any of the following:*

* 1. *Public swimming pools.*
  2. *Hot tubs or spas with locking safety covers that comply with the ~~American Society for Testing and Materials (ASTM F1346)~~ ASTM International F1346 standard.*
  3. *An apartment complex, or any residential setting other than a single-family home.*

*(Amended by Stats. ~~2017, Ch. 670, Sec. 5. (SB 442) Effective January 1, 2018~~ 2024, Ch 769 (SB 552) Effective January 1, 2025.)*

***~~115926.~~*** *~~This article does not apply to any facility regulated by the State Department of Social Services even if the facility is also used as the private residence of the operator. Pool safety in those facilities shall be regulated pursuant to regulations adopted therefor by the State Department of Social Services.~~*

*~~(Added by Stats. 1996, Ch. 925, Sec. 3.5. Effective January 1, 1997.)~~*

***115926*** *(a) The State Department of Social Services shall prescribe drowning prevention safety standards governing all swimming pools and other bodies of water located at facilities regulated by the department, regardless of whether the swimming pool is also subject to this article. The department may adopt higher drowning prevention safety standards than the requirements of this article. The department shall adopt regulations required by this section by January 1, 2027.*

*(b) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement, interpret, or make specific this article by means of interim licensing standards or similar written instructions until regulations are adopted. These interim licensing standards or similar written instructions shall have the same force and effect as regulations until January 1, 2027.*

*(Added by Stats. 2024, Ch. 745 (AB 2866) Effective January 1, 2025.)*

***115927.*** *Notwithstanding any …*

***115928.*** *Whenever a building permit …*

***115928.5.*** *Whenever a building permit …*

***115929.*** *(a) The Legislature encourages …*

#### Notation:

Authority: Health and Safety Code Section 18942(b)

Reference: Health and Safety Code Section 115921; 115922, 115925, 115926, AB 2866 (Chapter 745, Statutes of 2024) and SB 552 (Chapter 769, Statutes of 2024).

### ITEM 2 2025 CALIFORNIA RESIDENTIAL CODE (Part 2.5 of Title 24), APPENDIX CI SWIMMING POOL SAFETY ACT

***~~AX~~ CI100 California Swimming Safety Act (statewide)***

*The following text in this section contains the statutory language in the Swimming Pool Safety Act (HS Code, Sections 115920 through 115929) that is required to be duplicated and published in California Code of Regulations, Title 24. As such, the section numbers reflect those within the Health and Safety Code.*

*NOTE: These regulations are subject to local government modification. …*

***115920.*** *This act …*

***115921.*** *As used in this article, the following terms have the following meanings:*

*(a) “Swimming pool” …*

*(b) “Public swimming pool” …*

*(c) “Enclosure” …*

*~~(d) “Approved safety pool cover” means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.~~*

*~~(e) “Exit alarms” means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.~~*

*(d) ~~(f)~~ “ANSI/APSP performance standard” means a standard that is accredited by the American National Standards Institute (ANSI) and published by the Association of Pool and Spa Professionals (APSP).*

*(e) ~~(g)~~ “Suction outlet” means a fitting or fixture typically located at the bottom or on the sides of a swimming pool that conducts water to a recirculating pump.*

*(Amended by Stats. ~~2012, Ch. 679, Sec. 1. (AB 2114) Effective January 1, 2013~~. 2024, Ch 769 (SB 552) Effective January 1, 2025.)*

***115922****. (a) Except as provided in Section 115925, subject to subdivision (b), and consistent with Section 1596.814, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with at least two of the following seven drowning prevention safety features:*

*(1) An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single-family home.*

*(2) Removable mesh fencing that meets ~~American Society for Testing and Materials (ASTM) Specifications F2286 standards~~  the ASTM International F2286 standard in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.*

*(3) ~~An approved safety pool cover, as defined in subdivision (d) of Section 115921.~~ A manually operated or power-operated safety pool cover that is accompanied by a label verifying that the cover meets the specifications of the ASTM International F1346-23 standard.*

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*(5) A self-closing…*

*(6) An alarm in good repair and operable as designed that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. The alarm shall meet and be independently certified to the ASTM ~~Standard F2208 “Standard Safety Specification for Residential Pool Alarms,”~~ International F2208 standard ~~which~~ that includes surface motion, pressure, sonar, laser, and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning prevention safety feature.*

*(7) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and has been independently verified by an approved testing laboratory as meeting standards for those features established by ~~the~~ ASTM ~~or~~ International, the American Society of Mechanical Engineers ~~(ASME)~~, or another nationally recognized standards development organization, and the feature is accompanied by a label verifying that the protection meets those standards.*

*(b) The requirements of subdivision (a) are not satisfied by any of the following:*

1. *An exit alarm and a self-closing, self-latching device on the same door.*
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3. *A safety pool cover and an alarm described in paragraph (6) of subdivision (a).*

*(c) ~~(b)~~ Before the issuance of a final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention features required by this section and, if no violations are found, shall give final approval.*

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#### Notation:

Authority: Health and Safety Code Section 18942(b)

Reference: Health and Safety Code Section 115921; 115922, 115925, 115926, AB 2866 (Chapter 745, Statutes of 2024) and SB 552 (Chapter 769, Statutes of 2024).

### Rationale for ITEM 1 and ITEM 2:

The California Building Standards Commission (BSC) is proposing a “change without regulatory effect” to the 2025 California Building Code (CBC), Chapter 31, Section 3109.2, and the 2025 California Residential Code (CRC), Appendix CI, Section CI100.

Note: Appendix AX, Section AX100 containing California Swimming Pool Safety Act in 2022 CRC will be re-lettered to Appendix CI, Section CI100 in 2025 CRC consistent with the 2024 International Residential Code and HCD proposal during 2024 Triennial Code Adoption Cycle.

The changes are based on the enactment of AB 2866 (Chapter 745, Statutes of 2024) and SB 552 (Chapter 769, Statutes of 2024), which become effective January 1, 2025. These bills made amendments to the Swimming Pool Safety Act (Health and Safety Code (HSC) Sections 115920 – 115929)—which are required to be published in Title 24 pursuant to HSC Section 18942(b).