

1 AN ACT relating to swimming pool operational standards.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 212 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Barrier" means a fence, dwelling wall, or non-dwelling wall, or any
7 combination thereof, which completely surrounds the swimming pool and
8 obstructs access to the swimming pool from the yard outside the barrier;

9 (b) "Portable swimming pool" means any structure, located in a residential
10 area, that is intended for swimming or recreational bathing and contains
11 water less than twenty-four (24) inches deep;

12 (c) "Residential" means situated on the premises of a detached one (1) family
13 or two (2) family dwelling or a one (1) family townhouse not more than
14 three (3) stories high; and

15 (d) "Swimming pool" means any structure, located in a residential area, that is
16 intended for swimming or recreational bathing and contains water over
17 twenty-four (24) inches deep, including but not limited to in-ground,
18 aboveground, and on-ground swimming pools; hot tubs; portable swimming
19 pools; and non-portable spas.

20 (2) Every residential swimming pool shall be enclosed by a barrier. A residential
21 swimming pool barrier shall:

22 (a) Be at least four (4) feet high on the outside;

23 (b) Not have any gaps, openings, indentations, protrusions, or structural
24 components that could allow a child to crawl under, squeeze through, or
25 climb over the barrier unless it is the wall of a dwelling;

26 (c) Be placed sufficiently away from the water's edge to prevent a child or
27 medically frail person who may have managed to penetrate the barrier from

1 immediately falling into the water; and

2 (d) Be installed within one hundred twenty (120) days of the effective date of
3 this Act for existing residential swimming pools and at the time of
4 completion for newly installed or constructed residential swimming pools.

5 (3) The structure of an aboveground swimming pool may be used as its barrier or the
6 barrier for such a pool may be mounted on top of its structure; however, such
7 structure or separately mounted barrier shall meet all barrier requirements
8 established in subsection (2) of this section. In addition, any ladder or steps that
9 are the means of access to an aboveground swimming pool shall be capable of
10 being secured, locked, or removed to prevent access or shall be surrounded by a
11 barrier that meets the requirements of this section.

12 (4) Gates that provide access to swimming pools shall be self-closing and equipped
13 with a self-latching locking device, the release mechanism of which shall be
14 located on the pool side of the gate and so placed that it cannot be reached by a
15 child over the top or through any opening or gap.

16 (5) A wall of a dwelling may serve as part of the barrier.

17 (6) All portable swimming pools shall be emptied after each use.

18 (7) All swimming pools operating off of a single main drain, other than an
19 unlockable drain, shall be compliant with the Virginia Graeme Baker Pool and
20 Spa Safety Act, 15 U.S.C. sec. 8001 et seq. Any swimming pool installed or
21 constructed before 2008 shall obtain a drain adaptor within one hundred twenty
22 (120) days of the effective date of this Act.

23 (8) A residential swimming pool is exempt from this section if:

24 (a) It was installed or constructed on or before the effective date of this Act and
25 it has a pool cover that is compliant with the American Society for Testing
26 and Materials (ASTM) standard F1346-91 for when the pool is not in use or
27 operation; or

(b) It is on ten (10) or more contiguous acres of land that has not been sold since the installation or construction of the residential swimming pool.

➔Section 2. KRS 212.990 is amended to read as follows:

- (1) Any owner or occupant who fails to comply with an order made under the provisions of subsection (1) of KRS 212.210 shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) and each day's continuance of the nuisance, source of filth, or cause of sickness, after the owner or occupant has been notified to remove it, shall be a separate offense.
- (2) Any person who violates KRS 212.715 or any rule or regulation adopted by any consolidated local government, city, county, or city-county board of health, except as otherwise provided by subsection (3) of this section for counties containing cities of the first class or consolidated local government, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each day the violation continues.
- (3) The violation of any health regulation promulgated by the city-county board of health or of any order made by the board under KRS 212.350 to 212.620, directing the abatement of a nuisance, source of filth, or cause or probable cause of sickness, is hereby declared to be a misdemeanor, and any person, firm, or corporation, or member of a firm or officer or director of a corporation, upon conviction thereof shall be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100) for each such offense. If any offense is continued for more than one (1) day, each day upon which such offense occurs or is continued shall be considered and constitute a separate offense and a separate fine may be imposed therefor.
- (4) Any physician who fails to comply with the provisions of KRS 212.343, upon conviction thereof shall be fined not more than five hundred dollars (\$500).
- (5) Failure to procure the informed consent of those required to give their consent pursuant to KRS 212.345, prior to performing a nontherapeutic sterilization shall be

1 punishable by imprisonment in the county jail not to exceed one (1) year or a fine
2 not to exceed one thousand dollars (\$1,000), or both.

3 (6) Any physician violating KRS 212.347 shall be imprisoned in the county jail not to
4 exceed one (1) year or shall pay a fine not to exceed one thousand dollars (\$1,000),
5 or both.

6 (7) Any individual or entity that fails to comply with Section 1 of this Act shall be
7 fined not less than fifty (\$50) nor more than one hundred dollars (\$100) for each
8 day the violation occurs or remains in effect.

9 ➔Section 3. This Act may be cited as the "Ava Grace Jenkins Law."