
By: **Delegate Kach**
Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Swimming Pool and Spa Safety Act of 2002**

3 FOR the purpose of authorizing the use of a certain safety device for private
4 swimming pools and spas instead of or in addition to other safety devices
5 required by State law or regulation; providing that this Act preempts the
6 authority of a county or municipal corporation to regulate any private pool or
7 spa that is equipped in accordance with the provisions of this Act; requiring the
8 Department of Health and Mental Hygiene to adopt certain regulations;
9 defining terms; and generally relating to swimming pool and spa safety.

10 BY adding to
11 Article - Health - General
12 Section 24-1101 through 24-1105, inclusive, to be under the new subtitle
13 "Subtitle 11. Swimming Pools and Spas"
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2001 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Health - General**

19 **SUBTITLE 11. SWIMMING POOLS AND SPAS.**

20 24-1101.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

23 (B) "OWNER" MEANS A PERSON WHO HAS A LEGAL INTEREST IN A POOL OR A
24 SPA OR IN THE PROPERTY ON WHICH A POOL OR A SPA IS OR IS TO BE CONSTRUCTED
25 OR ALTERED, OR THE OWNER'S AGENT.

26 (C) "POOL" MEANS AN ARTIFICIAL ENCLOSURE OF WATER THAT IS USED FOR
27 THE IMMERSION OF THE HUMAN BODY FOR RECREATION, THERAPY, OR EXERCISE,

1 INCLUDING A STRUCTURE THAT IS INSTALLED IN THE GROUND, ABOVE GROUND,
2 OUTSIDE, OR IN A BUILDING OR PORTABLE STRUCTURE.

3 (D) "PRIVATE POOL" AND "PRIVATE SPA" MEAN A POOL OR A SPA THAT IS:

4 (1) NOT OPEN TO THE PUBLIC;

5 (2) ON A PROPERTY ON WHICH NOT MORE THAN FOUR PRIVATE
6 RESIDENCES ARE LOCATED; AND

7 (3) USED EXCLUSIVELY BY THE RESIDENTS OF THE PROPERTY AND
8 NONPAYING INDIVIDUALS INVITED TO USE THE POOL OR SPA BY A RESIDENT.

9 24-1102.

10 BEGINNING JANUARY 1, 2003, AN OWNER OF A PRIVATE POOL OR PRIVATE SPA
11 MAY EQUIP THE POOL OR SPA WITH A MANUALLY OR POWER-OPERATED SAFETY
12 POOL COVER WITH TRACKS THAT MEETS ALL OF THE PERFORMANCE STANDARDS OF
13 THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM), IN COMPLIANCE
14 WITH STANDARD F1346-91 INSTEAD OF OR IN ADDITION TO ANY OTHER SAFETY
15 ENCLOSURE REQUIRED FOR A PRIVATE POOL OR SPA BY STATE LAW OR
16 REGULATION.

17 24-1103.

18 AN OWNER MAY SURROUND A POOL AND SPA, MULTIPLE POOLS, OR MULTIPLE
19 SPAS LOCATED ON ONE PROPERTY WITH ONE BARRIER INSTEAD OF SEPARATE
20 BARRIERS FOR EACH POOL OR SPA.

21 24-1104.

22 THIS SUBTITLE PREEMPTS THE AUTHORITY OF A COUNTY OR MUNICIPAL
23 CORPORATION TO REGULATE ANY PRIVATE POOL THAT IS EQUIPPED IN
24 ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE.

25 24-1105.

26 THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
27 PROVISIONS OF THIS SUBTITLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2002.