Sponsored by:
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District 25 (Morris and Somerset)
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SYNOPSIS
Establishes “William's Law,” pertaining to pool safety.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning swimming pool safety and designated
William’s Law, and supplementing P.L.1975, c.217 (C.52:27D-
119 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. This act shall be known and may be cited as "William's
Law."

2. The Legislature finds and declares that:
   a. According to the United States Consumer Product Safety
      Commission, an estimated 350 children under five years of age
drown each year in swimming pools, many in residentially-owned
      pools;
   b. These statistics make drowning one of the nation's leading
causes of death to children under five;
   c. The Foundation for Aquatic Injury Prevention estimates that
      5,000 children 14 years of age and under are hospitalized due to
      near-drownings each year. Fifteen percent of children admitted for
      near-drowning die in the hospital, and as many as 20 percent of
      near-drowning survivors suffer severe, permanent neurological
      disability;
   d. The American Academy of Pediatrics states that children can
drown in as little as an inch or two of water;
   e. In addition to warning parents that teaching a child how to
      swim does not mean the child is safe in water, the academy urges
      those supervising children to stay within an arm's length of them
      while in the water, because of the rapid speed at which drownings
      can occur;
   f. According to California's Orange County Fire Authority, 65
      percent of preschooler pool drownings occur in the child's home
      pool and 33 percent at the homes of friends, neighbors, or relatives;
   g. The fire authority’s statistics on preschooler drownings
      further indicate that 70 percent are in the care of one of both parents
      at the time of the drowning and 75 percent are missing from sight
      for five minutes or less. Most children who drowned or nearly
drowned were last seen in the house or away from the pool or spa;
   and
   h. An estimate offered by the fire authority predicts that the
      widespread use of pool fencing would prevent 50 to 90 percent of
      pediatric pool drownings and near-drownings.

3. As used in this act, "swimming pool" means any structure
   intended for swimming and for the purposes of this act, shall
   include any affixed structure or contained body of water 18 inches
   or more in depth at any point and wider than eight feet at any point.
This shall include, but not be limited to, swimming pools, hot tubs, non-portable spas, home ponds, and fountains.

4. A swimming pool shall be entirely enclosed by a wall, fence, or other barrier meeting the following specifications:
   a. The wall, fence, or barrier shall have a minimum vertical height of five feet, as measured on the side farthest from the swimming pool;
   b. Any openings in the wall, fence, or barrier shall be of a size so that a spherical object four inches in diameter cannot pass through;
   c. If the wall, fence, or barrier has horizontal components, they shall be:
      (1) Spaced a minimum of 45 inches apart, measured vertically; or
      (2) Placed on the side of the wall, fence, or barrier closest to the swimming pool. In such a case, the wall, fence, or barrier shall not have any openings greater than one and three-quarter inches, measured horizontally;
   d. In the case of wire mesh or chain link fences, the mesh size shall be a maximum of one and three-quarter inches, measured horizontally;
   e. The wall, fence, or barrier shall not contain any openings, handholds, or footholds accessible from the exterior side of the enclosure than can be used to climb the structure; and
   f. The wall, fence, or barrier shall be at least 20 inches from the edge of the water.

5. Any gate in the wall, fence, or barrier required pursuant to section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill) shall open outward from the swimming pool and be self-closing and self-latching. In addition, the gate shall either:
   a. Be secured by a padlock or similar device which requires a key, electric opener, or integral combination; or
   b. Have its latch located:
      (1) A minimum of 54 inches above the underlying ground; or
      (2) On the side of the gate closest to the swimming pool, with a release mechanism a minimum of five inches below the top of the gate. A gate meeting these specifications shall not have any opening greater than one-half inch within 24 inches of the release mechanism.

6. If a residence or living area constitutes part of the wall, fence, or barrier required pursuant to section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill), the owner may elect one of the following in lieu of meeting all the specifications outlined in sections 4 and 5 of P.L. , c. (C. and C. ) (pending before the Legislature as this bill):
a. A wall, fence, or barrier between the swimming pool and the
residence or living area, that has a minimum vertical height of four
feet, as measured on the side farthest from the swimming pool and
meets all the specifications outlined in subsections b. through f. of
section 4 and all of section 5 of P.L. , c. (C. and C. )
(pending before the Legislature as this bill);
b. A motorized safety pool cover which requires the operation
of a key switch and meets all applicable standards set by the
American Society of Testing and Materials. The safety pool cover
shall not require any manual operation other than the use of the key
switch;
c. (1) All ground level doors or other doors with direct access
to the swimming pool shall be self-closing and self-latching. In
addition, the door shall either:
   (a) Be secured by a padlock or similar device which requires a
   key, electric opener, or integral combination; or
   (b) Have its latch located:
      (i) A minimum of 54 inches above the underlying ground; or
      (ii) On the side of the gate closest to the swimming pool, with a
release mechanism a minimum of five inches below the top of the
door. A door meeting these specifications shall not have any
opening greater than one-half inch within 24 inches of the release
mechanism; and
   (2) Emergency escape or rescue windows from sleeping rooms
with access to the swimming pool shall be equipped with a latching
device not less than 54 inches above the floor. All other openable
windows with similar access shall have:
      (a) A wire mesh screen screwed in place so as to prevent its
removal;
      (b) A keyed lock that prevents opening the window more than
four inches; or
      (c) A latching device located a minimum of 54 inches above the
floor.

7. This act shall not apply to:
   a. A system of sumps, irrigation canals, or irrigation, flood
control or drainage works constructed or operated for the purpose of
storing, delivering, distributing, or conveying water;
b. Stock ponds, storage tanks, livestock operations, livestock
watering troughs, or other structures used in normal agricultural
practices; or
c. An above-ground swimming pool which meets the following
specifications:
   (1) The exterior sides shall be non-climbable and have a
minimum vertical height of four feet; and
   (2) Any access ladder or steps shall be removable without tools,
and secured in an inaccessible position when the pool is not in use
by a latching device a minimum of 54 inches above the ground.
8. Nothing herein shall be construed to prohibit the enforcement of any existing county or municipal laws, rules, or regulations pertaining to swimming pool safety or the enclosure of swimming pools, provided they are not less stringent than the provisions of this act.

9. Notwithstanding any other law to the contrary, a person who violates the provisions of this act commits a petty disorderly persons offense, except that no penalty shall be imposed if the person has subsequently enclosed, or made a good faith effort to enclose, the swimming pool, in compliance with the requirements of this act, within 45 days of citation.

10. The Commissioner of Community Affairs shall establish an educational awareness campaign informing the public about their rights and responsibilities under this act.

11. This act shall take effect on the first day of the fourth month next following enactment, except that a swimming pool constructed or erected prior to the effective date of this act shall not be required to be in compliance with the provisions of this act until the first day of the 28th month next following enactment, but the Commissioner of Community Affairs may take any anticipatory administrative action in advance as shall be necessary for the timely implementation of this act.

STATEMENT

This bill, designated as “William’s Law,” establishes swimming pool safety standards.

Drowning is one of the nation’s leading causes of death to children under five. The statistics are staggering:

- an estimated 350 children under five years of age drown each year in swimming pools;
- 5,000 children 14 years of age and under are hospitalized due to near-drowning each year;
- fifteen percent of children admitted for near-drowning die in the hospital;
- as many as 20 percent of near-drowning survivors suffer severe, permanent neurological disability;
- 65 percent of preschooler pool drownings occur in the child’s home pool and 33 percent at the homes of friends, neighbors or relatives; and
- 70 percent of preschoolers who drown are in the care of one of both parents at the time of the drowning and 75 percent are missing from sight for five minutes or less.
Children can drown in just a few minutes and in as little as an inch or two of water. Given that most children who drowned or nearly drowned were last seen in the house or away from the pool or spa, estimates predict that the widespread use of pool fencing would prevent 50 to 90 percent of pediatric pool drownings and near-drownings.

In light of these facts, this bill would require swimming pools to be entirely enclosed by a wall, fence, or other barrier. A swimming pool is defined as any structure intended for swimming and includes any affixed structure or contained body of water eighteen inches or more in depth at any point and wider than eight feet at any point. This includes, but is not limited to, swimming pools, hot tubs, non-portable spas, home ponds, and fountains. The bill outlines specifications for the fences and any gates they may have. In addition, the bill allows owners limited flexibility if a residence or living area constitutes part of the wall, fence, or barrier, and outlines the requirements for acceptable alternatives in this case.

The bill specifies that it does not apply to certain water storage or delivery systems or structures used in normal agricultural practices. It also provides that more stringent existing county or municipal laws, rules, or regulations pertaining to swimming pool safety or the enclosure of swimming pools would still be enforceable.

Under the bill, a violation would be a petty disorderly persons offense, which is punishable by up to 30 days imprisonment, a fine of up to $500, or both. However, the bill provides an exception to the penalty if the person has enclosed, or made a good faith effort to enclose, the swimming pool within 45 days of a citation.

The bill would also require the Commissioner of Community Affairs to establish an educational awareness campaign informing the public about their rights and responsibilities under this act.