

shall establish a grant program to provide assistance to eligible States.

**(b) Eligibility**

To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after December 19, 2007, it has enacted a statute, or amended an existing statute, and provides for the enforcement of,<sup>1</sup> a law that—

(A) except as provided in section 8005(a)(1)(A)(i) of this title, applies to all swimming pools constructed after the date that is 6 months after December 23, 2011, in the State; and

(B) meets the minimum State law requirements of section 8005 of this title; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

**(c) Amount of grant**

The Commission shall determine the amount of a grant awarded under this chapter, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this chapter in a preceding fiscal year.

**(d) Use of grant funds**

A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

**(e) Authorization of appropriations**

There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 \$2,000,000 to carry out this section, such sums to remain available until expended. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated at the end of fiscal year 2012 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act [15 U.S.C. 2051 et seq.].

<sup>1</sup> So in original. The comma probably should not appear.

(Pub. L. 110-140, title XIV, §1405, Dec. 19, 2007, 121 Stat. 1796; Pub. L. 112-10, div. B, title V, §1576(b), Apr. 15, 2011, 125 Stat. 139; Pub. L. 112-74, div. C, title V, §502, Dec. 23, 2011, 125 Stat. 908.)

REFERENCES IN TEXT

The Consumer Product Safety Act, referred to in subsec. (e), is Pub. L. 92-573, Oct. 27, 1972, 86 Stat. 1207, which is classified generally to chapter 47 (§2051 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2051 of this title and Tables.

AMENDMENTS

2011—Subsec. (b)(1)(A). Pub. L. 112-74, §502(b), inserted “constructed after the date that is 6 months after December 23, 2011,” after “swimming pools”.

Subsec. (e). Pub. L. 112-74, §502(a), substituted “2012” for “2011”.

Pub. L. 112-10, which directed substitution of “2011” for “2010”, was executed by making the substitution for “2010” the second place appearing to reflect the probable intent of Congress.

**§ 8005. Minimum State law requirements**

**(a) In general**

**(1) Safety standards**

A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain;

(iv)<sup>1</sup> every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 8003 of this title; and

(v) that periodic notification is provided to owners of residential swimming pools or spas about compliance with the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

**(2) No liability inference associated with State notification requirement**

The minimum State law notification requirement under paragraph (1)(A)(v) shall not be construed to imply any liability on the part of a State related to that requirement.

<sup>1</sup> So in original. The word “that” probably should appear after “(iv)”.

**(3) Use of minimum State law requirements**

The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 8004 of this title; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 8004 of this title.

**(4) Requirements to reflect national performance standards and Commission guidelines**

In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

**(b) Standards**

Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

**(c) Basic access-related safety devices and equipment requirements to be considered**

In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

**(1) Covers**

A safety pool cover.

**(2) Gates**

A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

**(3) Doors**

Any door with direct access to the swimming pool or spa that is equipped with an audible alert device or alarm which sounds when the door is opened.

**(4) Pool alarm**

A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

**(d) Entrapment, entanglement, and evisceration prevention standards to be required****(1) In general**

In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

**(A) Safety vacuum release system**

A safety vacuum release system which ceases operation of the pump, reverses the

circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.

**(B) Suction-limiting vent system**

A suction-limiting vent system with a tamper-resistant atmospheric opening.

**(C) Gravity drainage system**

A gravity drainage system that utilizes a collector tank.

**(D) Automatic pump shut-off system**

An automatic pump shut-off system.

**(E) Drain disablement**

A device or system that disables the drain.

**(F) Other systems**

Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

**(2) Applicable standards**

Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(Pub. L. 110-140, title XIV, §1406, Dec. 19, 2007, 121 Stat. 1797.)

**§ 8006. Education program****(a) In general**

The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

**(b) Authorization of appropriations**

There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 \$5,000,000 to carry out the education program authorized by subsection (a).

(Pub. L. 110-140, title XIV, §1407, Dec. 19, 2007, 121 Stat. 1799.)

**§ 8007. CPSC report**

Not later than 1 year after the last day of each fiscal year for which grants are made under section 8004 of this title, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.