TITLE 15 - COMMERCE AND TRADE
CHAPTER 106 - POOL AND SPA SAFETY

§ 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) 1 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.

(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.

**Footnotes**

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