

SENATE No. 992

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to swimming pool safety..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the General Laws, as appearing in the 2004 Official Edition,
2 is hereby amended by striking out section 206 and inserting in place thereof the following
3 section:-

4 Section 206. (a) Every public and semipublic outdoor inground swimming pool shall be
5 enclosed by a fence 6 feet in height and firmly secured at ground level provided that any board or
6 stockade fence or structure shall be at least 5 feet in height, but if over 5 feet in height, the fence
7 shall be chain link. Such enclosure, including gates therein, shall not be less than 6 feet above the
8 ground, and any gate shall be self-latching with latches placed 4 feet above the ground or
9 otherwise made inaccessible from the outside to children up to 8 years of age. Such enclosure
10 shall be constructed of such material and maintained so as not to permit any opening in such
11 enclosure, other than a gate, wider than 3 inches at any point along the enclosure. Any such pool
12 shall be equipped with at least 1 life ring and a rescue hook.

13 Every outdoor inground swimming pool open to the public, other than a public inground
14 swimming pool fed by a spring or stream shall be drained or covered within 7 days of closing.

15 For the purposes of this section, “semipublic outdoor inground pool” shall mean a
16 swimming, wading pool, spa or hot tub on the premises of, or used in connection with, a hotel,
17 motel, condominium, trailer court, apartment house, country club, youth club, school, camp, or
18 similar establishment where the primary purpose of the establishment is not the operation of the
19 swimming facilities. Semipublic outdoor inground swimming pool shall also mean a pool, spa or
20 hot tub constructed and maintained by groups for the purposes of providing bathing facilities for
21 members and guests only.

22 Every public and semipublic outdoor inground swimming pool shall be inspected
23 annually by the inspector of buildings of each city and town in which the pool is located.

24 Any owner or manager of such public or semipublic pool who fails to comply with this
25 section shall be punished by a fine of not more than \$1,000.

26 (b) Whoever owns or leases a private swimming pool, wading pool, spa or hot tub or
27 leases property with a swimming pool, wading pool, spa or hot tub located thereon, shall enclose
28 such pool, spa or hot tub in accordance with the Code of Massachusetts Regulations relative to
29 enclosures for private swimming pools, spas and hot tubs. Whoever fails to comply with said
30 regulations shall be punished by a fine of not more than \$1,000.

31 SECTION 2. Subsection (b) of section 206 of chapter 140 of the General Laws, inserted
32 by section 1 of this act shall apply to swimming pools, wading pools, spas or hot tubs
33 constructed on or after the effective date of this act.

34 SECTION 3. Said subsection (b) of said section 206 of said chapter 140 shall apply to
35 swimming pools, wading pools, spas or hot tubs, that existed before the effective date of this act,
36 1 year after the effective date of this act.