

ASSEMBLY BILL

No. 1005

Introduced by Assembly Member Davies

February 20, 2025

An act to amend Sections 51140 and 51890 of, and to add Sections 51139, 51141, 51142, and 51900.1 to, the Education Code, to add Section 116036 to the Health and Safety Code, and to add Section 515 to the Public Resources Code, relating to drowning prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as introduced, Davies. Drowning prevention: public schools: informational materials: swimming lesson vouchers.

(1) Existing law authorizes specified drowning or injury prevention organizations (DIP organization) to provide informational materials, in electronic or hardcopy form, to a public school regarding specified topics relating to drowning prevention. Existing law expressly authorizes, beginning with the 2024–25 school year, upon receipt of the informational materials, a public school to provide the informational materials to parents, legal guardians, or caregivers of pupils at the time the pupil enrolls at the school and at the beginning of each school year.

This bill, beginning with the 2026–27 school year, would expressly authorize a public school to also provide those informational materials to parents, legal guardians, or caregivers of pupils at a period of time agreed upon between the public school and the DIP organization, except that the materials are prohibited from being provided later than the first week of May, as provided. The bill would provide restrictions on a DIP organization that chooses to provide informational materials to a public school, including, among other things, that the DIP organization correspond only with a school administrator to request to work with

the public school and that the DIP organization provide written evidence to the school administrator that demonstrates that the informational materials provided by the DIP organization align with the drowning, drowning prevention, water safety, and swim skills lesson information of at least one expert organization, as defined. The bill would provide that a school administrator who receives informational materials from multiple DIP organizations may consider specified factors when selecting which DIP organization to work with, as provided. The bill would provide that if a school administrator selects informational materials from a DIP organization for a given school year, other DIP organizations are prohibited from contesting those informational materials, as provided.

(2) Existing law requires the State Department of Education to prepare and distribute to school districts guidelines for the preparation of comprehensive health education plans, as provided. Existing law defines a “comprehensive” health education programs” as all educational programs offered in kindergarten and grades 1 to 12, inclusive, in the public school system, including in-class and out-of-class activities designed to, among other things, ensure that pupils receive instruction to aid them in making decisions in matters of personal, family, and community health, including, among other subjects, environmental health and safety and community health, as provided.

This bill would add water safety and drowning prevention to the list of the above-described subjects. The bill would require the department to gather and make available on its internet website, school-based water safety and prevention education resources and curriculum, as provided.

(3) Existing law establishes the Natural Resources Agency, which consists of various departments, including the Department of Parks and Recreation. Existing law requires the Director of Parks and Recreation to establish the Outdoor Equity Grants Program to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands where outdoor environmental education programs take place.

This bill would establish the Swimming Lesson Voucher Pilot Program and require the department to administer the program, for the purpose of increasing water safety in this state by offering vouchers for swimming lessons at no cost to children under 18 years of age whose families have an income of no more than 250% of the federal poverty level. The bill would require the department, in administering the program, to, among other things, (A) develop written agreements with,

and establish a network of, swimming lesson vendors that accept swimming lesson vouchers offered by the program in exchange for providing swimming lessons, (B) establish the application method and eligibility criteria for swimming lesson vouchers, (C) develop, in consultation with a specified foundation, a free and publicly accessible online statewide directory of swim lesson programs, listed by county, and (D) seek various contributors that will fund or match funds to cover the cost of the program and the development of the online statewide directory. The bill would authorize the department to administer the program through regional public or private partners, or both. The bill would make implementation of these provisions contingent upon an appropriation for these purposes in the annual Budget Act or another statute or as otherwise provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) In California, drowning is a leading cause of death and
- 4 hospitalizations for children 1 to 4 years of age, inclusive, the
- 5 second leading cause of death for children 5 to 14 years of age,
- 6 inclusive, and the third leading cause of death for teenagers and
- 7 youth 15 to 24 years of age, inclusive.
- 8 (b) Drowning can be prevented by increasing the knowledge of
- 9 parents, caregivers, and pupils regarding water safety and
- 10 competency in swimming skills. National and international research
- 11 shows that water safety and swimming skills are up to 88 percent
- 12 effective in preventing drowning.
- 13 (c) A critical step in the statewide strategic plan to make
- 14 drowning a rare and survivable event is to increase access to swim
- 15 lessons to achieve an end goal of making everyone in California
- 16 a swimmer and knowledgeable about drowning, drowning
- 17 prevention, and water safety.
- 18 (d) Partnering California's public schools with the state's many
- 19 local, state, and national swim lesson programs and drowning
- 20 prevention organizations provides a cost-effective means of
- 21 reaching all California parents, guardians, caregivers, and children
- 22 with lifesaving drowning prevention and water safety knowledge.

(e) Drowning prevention classes, including swim lessons with certified instructors, have been declared essential public health services by the Secretary of California Health and Human Services and the State Department of Public Health because of the impact that swim skills have on drowning prevention.

SEC. 2. Section 51139 is added to the Education Code, immediately preceding Section 51140, to read:

51139. For purposes of this article, all of the following definitions apply:

(a) “Drowning or injury prevention organization” means a local, state, or national drowning or injury prevention organization that is affiliated with one or more expert organizations.

(b) “Expert organization” means any of the following entities:

- (1) The United States Coast Guard.
- (2) The United States Consumer Product Safety Commission.
- (3) The United States Lifesaving Association.
- (4) The National Drowning Prevention Alliance.
- (5) The American Academy of Pediatrics.
- (6) The USA Swimming Foundation.
- (7) Safe Kids Worldwide.
- (8) The Pool & Hot Tub Alliance.
- (9) Stop Drowning Now.
- (10) The Drowning Prevention Foundation.
- (11) The Jasper Ray Foundation.
- (12) The Prevent Drowning Foundation of San Diego.

(c) “Public school” means a school operated by a school district, county office of education, or a charter school.

(d) “Water safety” means age-appropriate education intended (1) to promote safety in, on, and around bodies of water, including residential and public pools and spas, home water sources such as bathtubs, and open bodies of water such as lakes, rivers, canals, and the ocean, and (2) to reduce the risk of injury or drowning.

SEC. 3. Section 51140 of the Education Code is amended to read:

51140. (a) (1) ~~A local, state, or national drowning or injury prevention organization affiliated with one or more drowning prevention organizations~~ may provide informational materials, in electronic or hardcopy form, to a public school *that serves pupils in kindergarten or any of grades 1 to 12, inclusive, in accordance*

1 *with the requirements of this article, regarding all of the following*
2 *topics:*

3 (A) The role that water safety education courses and swimming
4 lessons play in drowning prevention and saving lives.

5 (B) Local water safety and swimming skills programs in the
6 county and communities served by the *public* school, including
7 free or reduced-price programs, and how to access information
8 about age-appropriate public or private water safety courses and
9 swimming skills programs that result in a certificate indicating
10 successful completion.

11 (C) Contact information of the organization to receive further
12 water safety education information.

13 (2) The informational materials shall not be used to solicit
14 funding or donations for the organization.

15 ~~(b) Beginning with~~ (1) *For the 2024–25 and 2025–26 school*
16 *year, years, upon receipt of the informational materials described*
17 *in subdivision (a), a public school may provide the informational*
18 *materials to parents, legal guardians, or caregivers of pupils at the*
19 *time the pupil enrolls at the public school and at the beginning of*
20 *each school year.*

21 (2) (A) *Beginning with the 2026–27 school year, upon receipt*
22 *of the informational materials described in subdivision (a), a public*
23 *school is authorized to provide the informational materials to*
24 *parents, legal guardians, or caregivers of pupils at the time the*
25 *pupil enrolls at the public school and at the beginning of each*
26 *school year, or at a period of time agreed upon between the public*
27 *school and the drowning or injury prevention organization, except*
28 *as provided in subparagraph (B).*

29 (B) *The informational materials described in subdivision (a)*
30 *shall not be provided later than the first week of May in the year*
31 *that the informational materials were provided.*

32 (c) Upon request by a public school, ~~an organization described~~
33 ~~in subdivision (a) a drowning or injury prevention organization~~
34 *that elects to provide informational materials shall provide the*
35 *informational materials in the three most commonly spoken*
36 *languages associated with the population attending the school.*

37 ~~(d) For purposes of this section, the following definitions apply:~~

38 (1) ~~“Public school” means a school operated by a school district,~~
39 ~~county office of education, or a charter school.~~

1 ~~(2) “Water safety” means age-appropriate education intended~~
2 ~~to promote safety in, on, and around bodies of water, including~~
3 ~~residential and public pools and spas, home water sources such as~~
4 ~~bathtubs, and open bodies of water such as lakes, rivers, canals,~~
5 ~~and the ocean, and to reduce the risk of injury or drowning.~~

6 SEC. 4. Section 51141 is added to the Education Code,
7 immediately following Section 51140, to read:

8 51141. (a) A drowning or injury prevention organization that
9 provides informational materials to a public school pursuant to
10 this article shall adhere to all of the following:

11 (1) Correspond only with a school administrator to request to
12 work with the public school.

13 (2) Approach the public school only during regular business
14 hours or at a time outside of regular business hours as specified
15 by a school administrator.

16 (3) Provide written evidence to a school administrator that
17 demonstrates that the informational materials provided by the
18 drowning or injury prevention organization align with the
19 drowning, drowning prevention, water safety, and swim skills
20 lesson information of at least one expert organization.

21 (4) Provide printed informational materials, for any language,
22 that are no larger than a legal size paper or are in a folded pamphlet
23 format.

24 (5) Provide informational materials at no cost to the public
25 school.

26 (b) A school administrator that engages with a drowning or
27 injury prevention organization pursuant to this article shall not be
28 responsible for confirming the drowning or injury prevention
29 organization’s compliance with paragraphs (3) and (4) of
30 subdivision (a).

31 SEC. 5. Section 51142 is added to the Education Code,
32 immediately following Section 51141, to read:

33 51142. (a) A school administrator who receives informational
34 materials from multiple drowning or injury prevention
35 organizations pursuant to this article may consider both of the
36 following factors when selecting which drowning or injury
37 prevention organization to work with:

38 (1) Which drowning or injury prevention organization provides
39 informational materials that are best suited for the public school’s

1 parent, guardian, and caregiver population and the families served
2 by the public school.

3 (2) Which drowning or injury prevention organization can
4 distribute informational materials in a manner that reduces the
5 public school's role in distributing the informational materials,
6 including, among other things, whether the proposed informational
7 materials are in a printed or electronic format.

8 (b) If a school administrator selects informational materials
9 pursuant to this article for a given school year, other drowning or
10 injury prevention organizations shall not contest those
11 informational materials but may submit their own informational
12 materials the following school year for the school administrator's
13 consideration.

14 (c) This article shall not be construed to require a school
15 administrator to work with any drowning or injury prevention
16 organization.

17 SEC. 6. Section 51890 of the Education Code is amended to
18 read:

19 51890. (a) For the purposes of this chapter, "comprehensive
20 health education programs" are defined as all educational programs
21 offered in kindergarten and grades 1 to 12, inclusive, in the public
22 school system, including in-class and out-of-class activities
23 designed to ensure that:

24 (1) Pupils will receive instruction to aid them in making
25 decisions in matters of personal, family, and community health,
26 to include the following subjects:

27 (A) The use of health care services and products.

28 (B) Mental and emotional health and development.

29 (C) Drug use and misuse, including the misuse of tobacco and
30 alcohol.

31 (D) Family health and child development, including the legal
32 and financial aspects and responsibilities of marriage and
33 parenthood.

34 (E) Oral health, vision, and hearing.

35 (F) Nutrition, which may include related topics such as obesity
36 and diabetes.

37 (G) Exercise, rest, and posture.

38 (H) Diseases and disorders, including sickle cell anemia and
39 related genetic diseases and disorders.

40 (I) Environmental health and safety.

1 (J) Community health.

2 (K) *Water safety and drowning prevention education.*

3 (2) To the maximum extent possible, the instruction in health
4 is structured to provide comprehensive education in health that
5 includes all the subjects in paragraph (1).

6 (3) The community actively participates in the teaching of health
7 including classroom participation by practicing professional health
8 and safety personnel in the community.

9 (4) Pupils gain appreciation for the importance and value of
10 lifelong health and the need for each individual to take
11 responsibility for ~~his or her~~ *the individual's* own health.

12 (5) School districts may voluntarily provide pupils with
13 instruction on preventative health care, including obesity and
14 diabetes prevention through nutrition education.

15 (b) Health care professionals, health care service plans, health
16 care providers, and other entities participating in a voluntary
17 initiative with a school district may not market their services when
18 undertaking activities related to the initiative. For purposes of this
19 subdivision, “marketing” is defined as making a communication
20 about a product or service that is intended to encourage recipients
21 of the communication to purchase or use the product or service.
22 Health care or health education information provided in a brochure
23 or pamphlet that contains the logo or name of a health care service
24 plan or health care organization is not considered marketing if
25 provided in coordination with the voluntary initiative. The
26 marketing prohibitions contained in this subdivision do not apply
27 to outreach, application assistance, and enrollment activities
28 relating to federal, state, or county sponsored health care insurance
29 programs that are conducted by health care professionals, health
30 care service plans, health care providers, and other entities if the
31 activities are conducted in compliance with the statutory,
32 regulatory, and programmatic guidelines applicable to those
33 programs.

34 SEC. 7. Section 51900.1 is added to the Education Code, to
35 read:

36 51900.1. The department shall gather and make available on
37 its internet website, school-based water safety and prevention
38 education resources and curriculum that are age appropriate to
39 pupils of different grade levels and adaptable for public school
40 use. The department is encouraged to refer to the Drowning

1 Prevention Foundation and Stop Drowning Now for existing
2 resources and curriculum.

3 SEC. 8. Section 116036 is added to the Health and Safety Code,
4 to read:

5 116036. The Legislature finds and declares both of the
6 following:

7 (a) In California, drowning is the leading cause of death for
8 children 4 years of age and younger, the second leading cause of
9 death for children 5 to 14 years of age, inclusive, and the third
10 leading cause of death for teenagers and youth 15 to 24 years of
11 age, inclusive.

12 (b) Swim instruction provided by persons who are qualified and
13 certified pursuant to Section 116033 and open to children of all
14 ages is an essential public health service.

15 SEC. 9. Section 515 is added to the Public Resources Code,
16 to read:

17 515. (a) The Swimming Lesson Voucher Pilot Program is
18 hereby established and shall be administered by the department.
19 The purpose of the pilot program is to increase water safety by
20 offering vouchers for swimming lessons at no cost to children
21 under 18 years of age whose families have an income of no more
22 than 250 percent of the federal poverty level.

23 (b) In administering the program, the department shall do all of
24 the following:

25 (1) Develop written agreements with, and establish a network
26 of, swimming lesson vendors that accept swimming lesson
27 vouchers offered by the program in exchange for providing
28 swimming lessons. To the extent feasible, a written agreement
29 shall be established with at least one swimming lesson vendor in
30 each county.

31 (2) Verify that swimming lesson vendors have adequate and
32 appropriate training to provide swimming lessons for a voucher
33 recipient.

34 (3) Establish the application method and eligibility criteria for
35 swimming lesson vouchers, including, but not limited to, all of the
36 following:

37 (A) The voucher recipient shall be a California resident under
38 18 years of age.

1 (B) The voucher recipient's family income shall not exceed 250
2 percent of the federal poverty level, which may be shown by proof
3 of receiving state benefits.

4 (C) Proof of the voucher recipient's residency in this state shall
5 be required.

6 (4) Issue swimming lesson vouchers for eligible children.

7 (5) Adopt rules and regulations necessary to administer the
8 program.

9 (6) (A) In consultation with the Drowning Prevention
10 Foundation, develop a free and publicly accessible online statewide
11 directory of swim lesson programs, listed by county, including
12 public and private programs that do not discriminate based on
13 ethnicity, gender, economic status, or any other protected category.

14 (B) The directory shall include all of the following information
15 about each program listed:

16 (i) The name of the program and the name of the parent
17 organization, if applicable.

18 (ii) The contact information, including the telephone number,
19 physical address, and internet website, if any.

20 (iii) The age groups the program serves.

21 (iv) The qualifications of the swim lesson instructors and the
22 life guards.

23 (v) Information about signing up for a program.

24 (C) The directory may have links to local public and private
25 transportation systems for pupils to use to travel to and from swim
26 lessons, including vouchers, subsidies, or fee waivers provided by
27 a local government.

28 (D) The directory shall be made available upon request from a
29 local educational agency to share with parents or guardians and
30 pupils and the directory may be shared by the local educational
31 agency on its internet website.

32 (7) Seek various contributors, including, but not limited to, the
33 Drowning Prevention Foundation, other recognized foundations,
34 corporate donors, or individuals that will fund or match funds to
35 cover the cost of the program and the development of the directory
36 described in paragraph (6).

37 (c) The department may administer the program through regional
38 public or private partners, or both.

39 (d) The implementation of this section is contingent upon an
40 appropriation for these purposes in the annual Budget Act or

- 1 another statute or if sufficient funds are provided by a foundation,
- 2 corporation, or other funding benefactor for these purposes.

O