

AMENDED IN ASSEMBLY APRIL 21, 2025

AMENDED IN ASSEMBLY MARCH 25, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

## ASSEMBLY BILL

**No. 1005**

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**Introduced by Assembly Member Davies**

February 20, 2025

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An act to amend ~~Sections 51140 and 51890~~ *Section 51140* of, and to add Sections 51139, 51141, ~~51142~~, and 51900.1 to, the Education Code, and to add Sections 116036 and 116064.3 to the Health and Safety Code, relating to drowning prevention.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as amended, Davies. Drowning prevention: public schools: informational materials: swim lesson vouchers and swim lesson directory.

(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.~~ *requires a DIP organization that chooses to provide informational materials to provide, upon request by a public school, the informational materials in the 3 most commonly spoken languages associated with the population attending the school.*

~~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 bill would instead require a DIP organization that chooses to provide informational materials to provide, upon request by a public school, the informational materials in English and would encourage the DIP organization to provide informational materials in the other most commonly spoken languages associated with the population attending the school. The bill would require 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 or school entity authorized by a school district or school, as provided, to request to work with the public school and that the DIP organization school to provide those materials at no cost to the public school and to provide written evidence to the a school administrator that demonstrates that the informational materials provided by the DIP organization align with the drowning, drowning prevention, water safety, rescue, and swim skills lesson information found on the drowning prevention web page of the federal Centers for Disease Control and Prevention, as provided. 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. also would require the State Department of Education to gather and make available on its internet website school-based water safety and drowning prevention education resources and curriculum, 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)~~

(2) Existing law requires the State Department of Public Health to adopt and enforce regulations relating to public swimming pools, as defined.

This bill would establish the Swim Lesson Voucher and Swim Lesson Directory Development Plan Partnership for the purposes of increasing water safety in this state by offering vouchers for swim 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 and making it easier for parents, caregivers, and guardians to access swim lessons for their children, as provided. The bill would require the partnership to consist of no more than 10 members and be composed of representatives of California's local parks and recreation district leadership, as identified by the California Association of Recreation and Park Districts and appointed by the Governor, state agencies with experience in water safety or drowning prevention, as appointed by the Governor, and experts in drowning prevention identified by the Drowning Prevention Foundation and appointed by the Governor. The bill would require the partnership to, among other things, (A) develop model written agreements to establish a network of public and private swim lesson programs and swim lesson vendors that accept vouchers in exchange for providing swim lessons, (B) establish a model application method and eligibility criteria for swim lesson vouchers, (C) develop, in consultation with other organizations, a free and publicly accessible online statewide directory of swim lesson programs, listed by county, and (D) make recommendations and an action plan to seek various contributors that will fund or match funds to cover the cost of the voucher programs and the development of the online statewide directory. The bill would require the partnership to provide directions and options for administering the voucher program and swim lesson directory through a combination of state and regional public or private partners. 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 the leading cause of death for  
4 children 1 to 4 years of age, inclusive, the second leading cause  
5 of death for children 5 to 14 years of age, inclusive, and the third  
6 leading cause of death for teenagers and youth 15 to 24 years of  
7 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.

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

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

30 51139. For purposes of this article, all of the following  
31 definitions apply:

32 (a) "Public school" means a school operated by a school district,  
33 county office of education, or a charter school.

34 (b) "Water safety" means age-appropriate education intended  
35 (1) to promote safety in, on, and around bodies of water, including

1 residential and public pools and spas, home water sources such as  
2 bathtubs, and open bodies of water such as lakes, rivers, canals,  
3 and the ocean, and (2) to reduce the risk of injury or drowning.

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

6 51140. (a) (1) A drowning or injury prevention organization  
7 may provide informational materials, in electronic or hardcopy  
8 form, to a public school that serves pupils in kindergarten or any  
9 of grades 1 to 12, inclusive, in accordance with the requirements  
10 of this article, regarding all of the following topics:

11 (A) The role that water safety education courses and swim  
12 lessons play in drowning prevention and saving lives.

13 (B) Local water safety and swimming skills programs in the  
14 county and communities served by the public school, including  
15 free or reduced-price programs, and how to access information  
16 about age-appropriate public or private water safety courses and  
17 swimming skills programs that result in a certificate indicating  
18 successful completion.

19 (C) Contact information of the organization to receive further  
20 water safety education information.

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

23 (3) It is the intent of the Legislature that public schools that  
24 receive information pursuant to paragraph (1) facilitate the sharing  
25 of that information with the parents, caregivers, or guardians of  
26 pupils.

27 ~~(b) (1) For the 2024–25 and 2025–26 school years, upon~~ Upon  
28 receipt of the informational materials described in subdivision (a),  
29 a public school may provide the informational materials to parents,  
30 legal guardians, or caregivers of pupils at the time the pupil enrolls  
31 at the public school and at the beginning of each school-year; ~~year;~~  
32 *and are encouraged to provide the materials described in*  
33 *subdivision (a) during the first week of May in the year that the*  
34 *informational materials were provided.*

35 ~~(2) (A) Beginning with the 2026–27 school year, upon receipt~~  
36 ~~of the informational materials described in subdivision (a), a public~~  
37 ~~school is authorized to provide the informational materials to~~  
38 ~~parents, legal guardians, or caregivers of pupils at the time the~~  
39 ~~pupil enrolls at the public school and at the beginning of each~~  
40 ~~school year, or at a period of time agreed upon between the public~~

1 school and the drowning or injury prevention organization, except  
2 as provided in subparagraph (B):

3 ~~(B) The informational materials described in subdivision (a)~~  
4 ~~shall not be provided later than the first week of May in the year~~  
5 ~~that the informational materials were provided.~~

6 (c) Upon request by a public school, a drowning or injury  
7 prevention organization that elects to provide informational  
8 materials shall provide the informational materials in English and  
9 is encouraged to provide informational materials in the other most  
10 commonly spoken languages associated with the population  
11 attending the school based on available data from the department.

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

14 51141. (a) A drowning or injury prevention organization that  
15 provides informational materials to a public school pursuant to  
16 this article shall adhere to ~~all~~ *both* of the following:

17 ~~(1) Correspond only with a school administrator or school entity~~  
18 ~~authorized by the school district or school, which also may include~~  
19 ~~the school's parent-teacher association or an equivalent association,~~  
20 ~~to request to work with the public school.~~

21 ~~(2) Approach the public school only during regular business~~  
22 ~~hours or at a time outside of regular business hours as specified~~  
23 ~~by a school administrator.~~

24 ~~(3)~~  
25 (1) Provide written evidence, in the form of a letter or document,  
26 either of which shall be no longer than one page, to a school  
27 administrator that demonstrates that the informational materials  
28 provided by the drowning or injury prevention organization align  
29 with the drowning, drowning prevention, water safety, rescue, and  
30 swim skills lesson information found on the drowning prevention  
31 web page of the federal Centers for Disease Control and Prevention,  
32 which includes evidence-based water safety and drowning  
33 prevention information vetted through such authorities on drowning  
34 and drowning prevention as the American Academy of Pediatrics  
35 and the American Red Cross, among other sources.

36 ~~(4) Provide printed informational materials, for any language,~~  
37 ~~that are no larger than a legal size paper or are in a folded pamphlet~~  
38 ~~format, or online informational materials.~~

39 ~~(5)~~

1 (2) Provide informational materials at no cost to the public  
2 school.

3 (b) A school administrator or school entity authorized by the  
4 school district or school, which also may include the school's  
5 parent-teacher association or an equivalent association, that engages  
6 with a drowning or injury prevention organization pursuant to this  
7 article shall not be responsible for confirming the drowning or  
8 injury prevention organization's compliance with paragraphs (3)  
9 and (4) *paragraph (1)* of subdivision (a).

10 SEC. 5. ~~Section 51142 is added to the Education Code,~~  
11 ~~immediately following Section 51141, to read:~~

12 ~~51142. (a) A school administrator who receives informational~~  
13 ~~materials from multiple drowning or injury prevention~~  
14 ~~organizations pursuant to this article may consider both of the~~  
15 ~~following factors when selecting which drowning or injury~~  
16 ~~prevention organization to work with:~~

17 ~~(1) Which drowning or injury prevention organization provides~~  
18 ~~informational materials that are best suited for the public school's~~  
19 ~~parent, guardian, and caregiver population and the families served~~  
20 ~~by the public school.~~

21 ~~(2) Which drowning or injury prevention organization can~~  
22 ~~distribute informational materials in a manner that reduces the~~  
23 ~~public school's role in distributing the informational materials,~~  
24 ~~including, among other things, whether the proposed informational~~  
25 ~~materials are in a printed or electronic format.~~

26 ~~(b) If a school administrator selects informational materials~~  
27 ~~pursuant to this article for a given school year, other drowning or~~  
28 ~~injury prevention organizations shall not contest those~~  
29 ~~informational materials but may submit their own informational~~  
30 ~~materials the following school year for the school administrator's~~  
31 ~~consideration.~~

32 ~~(c) This article shall not be construed to require a school~~  
33 ~~administrator to work with any drowning or injury prevention~~  
34 ~~organization.~~

35 SEC. 6. ~~Section 51890 of the Education Code is amended to~~  
36 ~~read:~~

37 ~~51890. (a) For the purposes of this chapter, "comprehensive~~  
38 ~~health education programs" are defined as all educational programs~~  
39 ~~offered in kindergarten and grades 1 to 12, inclusive, in the public~~

1 ~~school system, including in-class and out-of-class activities~~  
2 ~~designed to ensure that:~~  
3 ~~(1) Pupils will receive instruction to aid them in making~~  
4 ~~decisions in matters of personal, family, and community health,~~  
5 ~~to include the following subjects:~~  
6 ~~(A) The use of health care services and products.~~  
7 ~~(B) Mental and emotional health and development.~~  
8 ~~(C) Drug use and misuse, including the misuse of tobacco and~~  
9 ~~alcohol.~~  
10 ~~(D) Family health and child development, including the legal~~  
11 ~~and financial aspects and responsibilities of marriage and~~  
12 ~~parenthood.~~  
13 ~~(E) Oral health, vision, and hearing.~~  
14 ~~(F) Nutrition, which may include related topics such as obesity~~  
15 ~~and diabetes.~~  
16 ~~(G) Exercise, rest, and posture.~~  
17 ~~(H) Diseases and disorders, including sickle cell anemia and~~  
18 ~~related genetic diseases and disorders.~~  
19 ~~(I) Environmental health and safety.~~  
20 ~~(J) Community health.~~  
21 ~~(K) Water safety and drowning prevention education.~~  
22 ~~(2) To the maximum extent possible, the instruction in health~~  
23 ~~is structured to provide comprehensive education in health that~~  
24 ~~includes all the subjects in paragraph (1).~~  
25 ~~(3) The community actively participates in the teaching of health~~  
26 ~~including classroom participation by practicing professional health~~  
27 ~~and safety personnel in the community.~~  
28 ~~(4) Pupils gain appreciation for the importance and value of~~  
29 ~~lifelong health and the need for each individual to take~~  
30 ~~responsibility for the individual's own health.~~  
31 ~~(5) School districts may voluntarily provide pupils with~~  
32 ~~instruction on preventative health care, including obesity and~~  
33 ~~diabetes prevention through nutrition education.~~  
34 ~~(b) Health care professionals, health care service plans, health~~  
35 ~~care providers, and other entities participating in a voluntary~~  
36 ~~initiative with a school district may not market their services when~~  
37 ~~undertaking activities related to the initiative. For purposes of this~~  
38 ~~subdivision, "marketing" is defined as making a communication~~  
39 ~~about a product or service that is intended to encourage recipients~~  
40 ~~of the communication to purchase or use the product or service.~~

1 ~~Health care or health education information provided in a brochure~~  
2 ~~or pamphlet that contains the logo or name of a health care service~~  
3 ~~plan or health care organization is not considered marketing if~~  
4 ~~provided in coordination with the voluntary initiative. The~~  
5 ~~marketing prohibitions contained in this subdivision do not apply~~  
6 ~~to outreach, application assistance, and enrollment activities~~  
7 ~~relating to federal, state, or county sponsored health care insurance~~  
8 ~~programs that are conducted by health care professionals, health~~  
9 ~~care service plans, health care providers, and other entities if the~~  
10 ~~activities are conducted in compliance with the statutory,~~  
11 ~~regulatory, and programmatic guidelines applicable to those~~  
12 ~~programs.~~

13 ~~SEC. 7.~~

14 *SEC. 5.* Section 51900.1 is added to the Education Code, to  
15 read:

16 51900.1. The department shall gather and make available on  
17 its internet ~~website~~, *website* school-based water safety and  
18 *drowning* prevention education resources and curriculum that are  
19 age appropriate to pupils of different grade levels and adaptable  
20 for public school use. The department is encouraged to refer to the  
21 existing, freely accessible, age- and grade-appropriate curriculum  
22 that has been identified by the Drowning Prevention Foundation  
23 and that can be used in school settings.

24 ~~SEC. 8.~~

25 *SEC. 6.* Section 116036 is added to the Health and Safety Code,  
26 to read:

27 116036. The Legislature finds and declares both of the  
28 following:

29 (a) In California, drowning is the leading cause of death for  
30 children 4 years of age and younger, the second leading cause of  
31 death for children 5 to 14 years of age, inclusive, and the third  
32 leading cause of death for teenagers and youth 15 to 24 years of  
33 age, inclusive.

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

37 ~~SEC. 9.~~

38 *SEC. 7.* Section 116064.3 is added to the Health and Safety  
39 Code, to read:

1 116064.3. (a) For purposes of this section, “partnership” means  
2 the Swim Lesson Voucher and Swim Lesson Directory  
3 Development Plan Partnership established pursuant to subdivision  
4 (b).

5 (b) The Swim Lesson Voucher and Swim Lesson Directory  
6 Development Plan Partnership is hereby established. The  
7 partnership shall develop guidelines for establishing a swim lesson  
8 voucher program and swim lesson directory in California, both of  
9 which may include initial pilot programs. The purpose of the swim  
10 lesson voucher program, and associated pilot programs, is to  
11 increase water safety by offering vouchers for swim lessons at no  
12 cost to children under 18 years of age whose families have an  
13 income of no more than 250 percent of the federal poverty level.  
14 The purpose of the swim lesson directory, and associated pilot  
15 programs, is to make it easier for parents, caregivers, and guardians  
16 to access swim lessons for their children at all ages.

17 (c) The partnership shall consist of no more than 10 members  
18 and shall be composed of representatives from the following  
19 entities:

20 (1) California’s local parks and recreation district leadership  
21 with experience in water safety or drowning prevention, as  
22 identified by the California Association of Recreation and Park  
23 Districts and appointed by the Governor.

24 (2) State agencies with experience in water safety or drowning  
25 prevention, as appointed by the Governor.

26 (3) Up to four experts in drowning prevention identified by the  
27 Drowning Prevention Foundation and appointed by the Governor.

28 (d) The partnership shall do all of the following:

29 (1) Develop model written agreements to establish a network  
30 of public and private swim lesson programs and swim lesson  
31 vendors that accept vouchers in exchange for providing swim  
32 lessons. To the extent feasible, the model written agreements shall  
33 be established with at least one public or private swim lesson  
34 program or swim lesson vendor in each county, and at least one  
35 public or private swim lesson program or swim lesson vendor  
36 within a five-mile radius of those metropolitan areas with  
37 populations of 50,000 or higher.

38 (2) Verify that public and private swim lesson programs and  
39 swim lesson vendors have adequate and appropriately trained  
40 instructors to provide swim lessons for a voucher recipient.

1 (3) Establish a model application method and eligibility criteria  
2 for swim lesson vouchers, including, but not limited to, all of the  
3 following:

4 (A) The voucher recipient shall be a California resident under  
5 18 years of age.

6 (B) The voucher recipient's family income shall not exceed 250  
7 percent of the federal poverty level, which may be shown by proof  
8 of receiving income-based federal or state benefits.

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

11 (4) Issue swim lesson vouchers for eligible children.

12 (5) Adopt guidelines necessary to administer the swim lesson  
13 voucher program.

14 (6) (A) In consultation with other California or national  
15 organizations with experience in developing a swim lesson  
16 directory, develop a free and publicly accessible online statewide  
17 directory of swim lesson programs, listed by county, including  
18 public and private programs that do not discriminate based on  
19 ethnicity, gender, economic status, or any other protected category.

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

22 (i) The name of the program and the name of the parent  
23 organization, if applicable.

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

26 (iii) The age groups the program serves.

27 (iv) The qualifications of the swim lesson instructors and the  
28 lifeguards.

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

30 (C) The directory may have, and the Legislature encourages the  
31 directory to have, links to local public and private transportation  
32 systems for pupils to use to travel to and from swim lessons,  
33 including vouchers, subsidies, or fee waivers provided by a local  
34 government or transportation agency.

35 (D) The directory shall be made available upon request from a  
36 local educational agency or school to share with parents or  
37 guardians and pupils and the directory may be shared by the local  
38 educational agency or school on its internet website.

39 (7) Make recommendations and an action plan to seek various  
40 contributors, including, but not limited to, the Drowning Prevention

1 Foundation, other recognized foundations, corporate donors, or  
2 individuals that will fund or match funds to cover the cost of the  
3 voucher programs and the development of the directory described  
4 in paragraph (6).

5 (e) The partnership shall provide directions and options for  
6 administering the voucher program and swim lesson directory  
7 using a combination of state and regional public or private partners.

8 (f) The implementation of this section is contingent upon an  
9 appropriation for these purposes in the annual Budget Act or  
10 another statute or upon sufficient funds being provided by a  
11 foundation, corporation, or other funding benefactor to the  
12 partnership for these purposes.