

AMENDED IN ASSEMBLY MARCH 25, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

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, *and* to add ~~Section Sections~~ 116036 *and* 116064.3 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 amended, Davies. Drowning prevention: public schools: informational materials: ~~swimming swim lesson vouchers; 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.

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 *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 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, *rescue*, and swim skills lesson information ~~of at least one expert organization, as defined, 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.

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

This bill would establish the ~~Swimming~~ Swim Lesson Voucher Pilot Program and require the department to administer the program, and *Swim Lesson Directory Development Plan Partnership* for the purpose of increasing water safety in this state by offering vouchers for ~~swimming~~ 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. ~~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 department, in administering the program, partnership to, among other things, (A) develop model written agreements with, and to establish a network of, ~~swimming of public and private swim lesson programs and swim lesson vendors that accept swimming lesson vouchers offered by the program in exchange for providing swimming swim lessons,~~ (B) establish ~~the a model application method and eligibility criteria for swimming swim lesson vouchers,~~ (C) develop, in consultation with a specified foundation, 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 program voucher programs and the development of the online statewide directory.~~ The bill would ~~authorize require the department partnership to administer provide directions and options for administering the voucher program and swim lesson directory through regional a combination of state and regional public or private partners, or both. 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:

SECTION 1. The Legislature finds and declares all of the following:

(a) In California, drowning is ~~a~~ *the* leading cause of death ~~and hospitalizations~~ for children 1 to 4 years of age, inclusive, the second leading cause of death for children 5 to 14 years of age, inclusive, and the third leading cause of death for teenagers and youth 15 to 24 years of age, inclusive.

(b) Drowning can be prevented by increasing the knowledge of parents, caregivers, and pupils regarding water safety and competency in swimming skills. National and international research shows that water safety and swimming skills are up to 88 percent effective in preventing drowning.

(c) A critical step in the statewide strategic plan to make drowning a rare and survivable event is to increase access to swim lessons to achieve an end goal of making everyone in California a swimmer and knowledgeable about drowning, drowning prevention, and water safety.

(d) Partnering California's public schools with the state's many local, state, and national swim lesson programs and drowning prevention organizations provides a cost-effective means of reaching all California parents, guardians, caregivers, and children 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.~~

~~(e)~~

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

~~(d)~~

(b) “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 drowning or injury prevention organization 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 with the requirements of this article, regarding all of the following topics:

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

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

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

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

(3) *It is the intent of the Legislature that public schools that receive information pursuant to paragraph (1) facilitate the sharing*

1 *of that information with the parents, caregivers, or guardians of*
2 *pupils.*

3 (b) (1) For the 2024–25 and 2025–26 school years, upon receipt
4 of the informational materials described in subdivision (a), a public
5 school may provide the informational materials to parents, legal
6 guardians, or caregivers of pupils at the time the pupil enrolls at
7 the public school and at the beginning of each school year.

8 (2) (A) Beginning with the 2026–27 school year, upon receipt
9 of the informational materials described in subdivision (a), a public
10 school is authorized to provide the informational materials to
11 parents, legal guardians, or caregivers of pupils at the time the
12 pupil enrolls at the public school and at the beginning of each
13 school year, or at a period of time agreed upon between the public
14 school and the drowning or injury prevention organization, except
15 as provided in subparagraph (B).

16 (B) The informational materials described in subdivision (a)
17 shall not be provided later than the first week of May in the year
18 that the informational materials were provided.

19 (c) Upon request by a public school, a drowning or injury
20 prevention organization that elects to provide informational
21 materials shall provide the informational materials in *English and*
22 *is encouraged to provide informational materials in the three other*
23 *most commonly spoken languages associated with the population*
24 *attending the school, school based on available data from the*
25 *department.*

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

28 51141. (a) A drowning or injury prevention organization that
29 provides informational materials to a public school pursuant to
30 this article shall adhere to all of the following:

31 (1) Correspond only with a school administrator *or school entity*
32 *authorized by the school district or school, which also may include*
33 *the school's parent-teacher association or an equivalent*
34 *association, to request to work with the public school.*

35 (2) Approach the public school only during regular business
36 hours or at a time outside of regular business hours as specified
37 by a school administrator.

38 (3) Provide written ~~evidence~~ *evidence, in the form of a letter or*
39 *document, either of which shall be no longer than one page,* to a
40 school administrator that demonstrates that the informational

1 materials provided by the drowning or injury prevention
2 organization align with the drowning, drowning prevention, water
3 safety, *rescue*, and swim skills lesson information of at least one
4 expert organization. *found on the drowning prevention web page*
5 *of the federal Centers for Disease Control and Prevention, which*
6 *includes evidence-based water safety and drowning prevention*
7 *information vetted through such authorities on drowning and*
8 *drowning prevention as the American Academy of Pediatrics and*
9 *the American Red Cross, among other sources.*

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

13 (5) Provide informational materials at no cost to the public
14 school.

15 (b) A school administrator *or school entity authorized by the*
16 *school district or school, which also may include the school's*
17 *parent-teacher association or an equivalent association,* that
18 engages with a drowning or injury prevention organization pursuant
19 to this article shall not be responsible for confirming the drowning
20 or injury prevention organization's compliance with paragraphs
21 (3) and (4) of subdivision (a).

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

24 51142. (a) A school administrator who receives informational
25 materials from multiple drowning or injury prevention
26 organizations pursuant to this article may consider both of the
27 following factors when selecting which drowning or injury
28 prevention organization to work with:

29 (1) Which drowning or injury prevention organization provides
30 informational materials that are best suited for the public school's
31 parent, guardian, and caregiver population and the families served
32 by the public school.

33 (2) Which drowning or injury prevention organization can
34 distribute informational materials in a manner that reduces the
35 public school's role in distributing the informational materials,
36 including, among other things, whether the proposed informational
37 materials are in a printed or electronic format.

38 (b) If a school administrator selects informational materials
39 pursuant to this article for a given school year, other drowning or
40 injury prevention organizations shall not contest those

1 informational materials but may submit their own informational
2 materials the following school year for the school administrator's
3 consideration.

4 (c) This article shall not be construed to require a school
5 administrator to work with any drowning or injury prevention
6 organization.

7 SEC. 6. Section 51890 of the Education Code is amended to
8 read:

9 51890. (a) For the purposes of this chapter, "comprehensive
10 health education programs" are defined as all educational programs
11 offered in kindergarten and grades 1 to 12, inclusive, in the public
12 school system, including in-class and out-of-class activities
13 designed to ensure that:

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

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

18 (B) Mental and emotional health and development.

19 (C) Drug use and misuse, including the misuse of tobacco and
20 alcohol.

21 (D) Family health and child development, including the legal
22 and financial aspects and responsibilities of marriage and
23 parenthood.

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

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

27 (G) Exercise, rest, and posture.

28 (H) Diseases and disorders, including sickle cell anemia and
29 related genetic diseases and disorders.

30 (I) Environmental health and safety.

31 (J) Community health.

32 (K) Water safety and drowning prevention education.

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

36 (3) The community actively participates in the teaching of health
37 including classroom participation by practicing professional health
38 and safety personnel in the community.

1 (4) Pupils gain appreciation for the importance and value of
2 lifelong health and the need for each individual to take
3 responsibility for the individual's own health.

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

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

26 SEC. 7. Section 51900.1 is added to the Education Code, to
27 read:

28 51900.1. The department shall gather and make available on
29 its internet website, school-based water safety and prevention
30 education resources and curriculum that are age appropriate to
31 pupils of different grade levels and adaptable for public school
32 use. The department is encouraged to refer to the *existing, freely*
33 *accessible, age- and grade-appropriate curriculum that has been*
34 *identified by the Drowning Prevention Foundation and—Stop*
35 ~~Drowning Now~~ *for existing resources and curriculum. that can be*
36 *used in school settings.*

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

39 116036. The Legislature finds and declares both of the
40 following:

1 (a) In California, drowning is the leading cause of death for
2 children 4 years of age and younger, the second leading cause of
3 death for children 5 to 14 years of age, inclusive, and the third
4 leading cause of death for teenagers and youth 15 to 24 years of
5 age, inclusive.

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

9 ~~SEC. 9. Section 515 is added to the Public Resources Code,~~
10 ~~to read:~~

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

17 ~~(b) In administering the program, the department shall do all of~~
18 ~~the following:~~

19 ~~(1) Develop written agreements with, and establish a network~~
20 ~~of, swimming lesson vendors that accept swimming lesson~~
21 ~~vouchers offered by the program in exchange for providing~~
22 ~~swimming lessons. To the extent feasible, a written agreement~~
23 ~~shall be established with at least one swimming lesson vendor in~~
24 ~~each county.~~

25 ~~(2) Verify that swimming lesson vendors have adequate and~~
26 ~~appropriate training to provide swimming lessons for a voucher~~
27 ~~recipient.~~

28 ~~(3) Establish the application method and eligibility criteria for~~
29 ~~swimming lesson vouchers, including, but not limited to, all of the~~
30 ~~following:~~

31 ~~(A) The voucher recipient shall be a California resident under~~
32 ~~18 years of age.~~

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

36 ~~(C) Proof of the voucher recipient's residency in this state shall~~
37 ~~be required.~~

38 ~~(4) Issue swimming lesson vouchers for eligible children.~~

39 ~~(5) Adopt rules and regulations necessary to administer the~~
40 ~~program.~~

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

6 ~~(B) The directory shall include all of the following information~~
7 ~~about each program listed:~~

8 ~~(i) The name of the program and the name of the parent~~
9 ~~organization, if applicable.~~

10 ~~(ii) The contact information, including the telephone number,~~
11 ~~physical address, and internet website, if any.~~

12 ~~(iii) The age groups the program serves.~~

13 ~~(iv) The qualifications of the swim lesson instructors and the~~
14 ~~life guards.~~

15 ~~(v) Information about signing up for a program.~~

16 ~~(C) The directory may have links to local public and private~~
17 ~~transportation systems for pupils to use to travel to and from swim~~
18 ~~lessons, including vouchers, subsidies, or fee waivers provided by~~
19 ~~a local government.~~

20 ~~(D) The directory shall be made available upon request from a~~
21 ~~local educational agency to share with parents or guardians and~~
22 ~~pupils and the directory may be shared by the local educational~~
23 ~~agency on its internet website.~~

24 ~~(7) Seek various contributors, including, but not limited to, the~~
25 ~~Drowning Prevention Foundation, other recognized foundations,~~
26 ~~corporate donors, or individuals that will fund or match funds to~~
27 ~~cover the cost of the program and the development of the directory~~
28 ~~described in paragraph (6).~~

29 ~~(e) The department may administer the program through regional~~
30 ~~public or private partners, or both.~~

31 ~~(d) The implementation of this section is contingent upon an~~
32 ~~appropriation for these purposes in the annual Budget Act or~~
33 ~~another statute or if sufficient funds are provided by a foundation,~~
34 ~~corporation, or other funding benefactor for these purposes.~~

35 ~~SEC. 9. Section 116064.3 is added to the Health and Safety~~
36 ~~Code, to read:~~

37 ~~116064.3. (a) For purposes of this section, "partnership"~~
38 ~~means the Swim Lesson Voucher and Swim Lesson Directory~~
39 ~~Development Plan Partnership established pursuant to subdivision~~
40 ~~(b).~~

(b) *The Swim Lesson Voucher and Swim Lesson Directory Development Plan Partnership is hereby established. The partnership shall develop guidelines for establishing a swim lesson voucher program and swim lesson directory in California, both of which may include initial pilot programs. The purpose of the swim lesson voucher program, and associated pilot programs, is to increase water safety 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 percent of the federal poverty level. The purpose of the swim lesson directory, and associated pilot programs, is to make it easier for parents, caregivers, and guardians to access swim lessons for their children at all ages.*

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

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

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

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

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

(1) *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. To the extent feasible, the model written agreements shall be established with at least one public or private swim lesson program or swim lesson vendor in each county, and at least one public or private swim lesson program or swim lesson vendor within a five-mile radius of those metropolitan areas with populations of 50,000 or higher.*

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

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

1 (A) *The voucher recipient shall be a California resident under*
2 *18 years of age.*

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

6 (C) *Proof of the voucher recipient's residency in this state shall*
7 *be required.*

8 (4) *Issue swim lesson vouchers for eligible children.*

9 (5) *Adopt guidelines necessary to administer the swim lesson*
10 *voucher program.*

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

17 (B) *The directory shall include all of the following information*
18 *about each program listed:*

19 (i) *The name of the program and the name of the parent*
20 *organization, if applicable.*

21 (ii) *The contact information, including the telephone number,*
22 *physical address, and internet website, if any.*

23 (iii) *The age groups the program serves.*

24 (iv) *The qualifications of the swim lesson instructors and the*
25 *lifeguards.*

26 (v) *Information about signing up for a program.*

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

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

36 (7) *Make recommendations and an action plan to seek various*
37 *contributors, including, but not limited to, the Drowning Prevention*
38 *Foundation, other recognized foundations, corporate donors, or*
39 *individuals that will fund or match funds to cover the cost of the*

1 voucher programs and the development of the directory described
2 in paragraph (6).

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

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

O