

Senate Bill 107

By: Senators Burns of the 23rd, Jones II of the 22nd, Still of the 48th, Kennedy of the 18th, Gooch of the 51st and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 enact "Izzy's Law"; to provide that the Department of Public Health shall develop and make
3 available for download from its internet website a model aquatic safety plan based on
4 national standards for private swim instructors; to provide that the Department of Public
5 Health may partner with an external organization recognized as an authority in aquatic safety
6 to assist in the development, annual review, and any necessary revision of the model aquatic
7 safety plan; to provide for definitions; to provide that certain procedures, requirements, and
8 standards shall be included in the model aquatic safety plan; to provide that every private
9 swim instructor in this state shall have an aquatic safety plan before providing swimming
10 lessons to any individual by a date certain; to provide for notice of the aquatic safety plan
11 requirement on the Department of Public Health and the Office of the Attorney General's
12 internet websites; to provide for partnerships between the Department of Public Health and
13 local aquatic safety advocacy organizations for outreach and notification purposes; to provide
14 that private swim instructors and any employer thereof shall have a copy of the private swim
15 instructor's aquatic safety plan available during all swimming lessons; to provide that a
16 private swim instructor's aquatic safety plan must be made available upon request to a
17 student's parent or caregiver or a law enforcement officer; to provide for penalties for

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18 violations; to provide for an effective date; to provide for related matters; to repeal
19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 SECTION 1.

22 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
23 enacting a new chapter to read as follows:

24 CHAPTER 45A

25 31-45A-1.

26 This chapter shall be known and may be cited as 'Izzy's Law.'

27 31-45A-2.

28 The purpose of this chapter is to protect the public health and safety through the required
29 use and implementation of aquatic safety plans by private swim instructors.

30 31-45A-3.

31 As used in this chapter, the term:

32 (1) 'Aquatic safety plan' means a written document that has procedures, requirements,
33 and standards related to safety, training, and emergency response procedures that the
34 private swim instructor agrees to follow.

35 (2) 'Department' means the Department of Public Health.

36 (3) 'Private swim instructor' means any individual who offers the service for hire of
37 providing swimming lessons to any other individual to whom they are not related in
38 return for compensation.

39 31-45A-4.

40 (a) No later than January 1, 2024, the department shall develop a model aquatic safety plan
41 based on national standards for private swim instructors to be available for download from
42 its internet website. The department shall review the model aquatic safety plan at least
43 annually and make any necessary revisions based on changes to national standards for
44 private swim instructors. The department may partner with an external organization
45 recognized as an authority in aquatic safety to assist in the development, annual review,
46 and any necessary revision of the model aquatic safety plan and other tasks as may be
47 appropriate to the development of the model, including the provision of the necessary data,
48 information, and resources to ensure successful development of the model as required by
49 this Code section.

50 (b) The model aquatic safety plan shall include provisions for the following minimum
51 procedures, requirements, and standards:

52 (1) The student-to-instructor ratio recommendation during any given swimming lesson;

53 (2) Recommendations on secondary supervision of swimming lessons;

54 (3) That a student's parent or caregiver may be allowed to be present and participate in
55 the swimming lesson during any instruction; and

56 (4) That either the private swim instructor or his or her assistant shall be certified in
57 cardiopulmonary resuscitation.

58 (c) Private swim instructors may utilize such equipment as necessary to promote aquatic
59 safety during any instruction, with consideration of the number of students, the ages of
60 students, and the swim experience and skill abilities of the students. Such equipment
61 includes, but is not limited to, the use of a pool deep end divider and floating safety rope
62 line dividers.

63 (d) The department may include additional provisions at its discretion for safety, training,
64 and emergency response that are endorsed by nationally recognized authorities on aquatic
65 safety, including, but not limited to, the American Red Cross, the YMCA, the YWCA, the

66 Centers for Disease Control and Prevention, the National Drowning Prevention Alliance,
67 and the United States Swim School Association.

68 31-45A-5.

69 (a) No later than April 1, 2024, every private swim instructor in this state shall have an
70 aquatic safety plan in place before providing swimming lessons to any individual.

71 (b) Private swim instructors may adopt the department's model aquatic safety plan or they
72 may develop their own aquatic safety plan.

73 (c) Any aquatic safety plan in place developed by a private swim instructor that contains
74 all of the procedures, requirements, and standards set forth in subsection (b) of Code
75 Section 31-45A-4 shall be adequate for purposes of this chapter.

76 31-45A-6.

77 (a) No later than January 1, 2024, the department shall publish notice of the requirement
78 that all swim instructors have aquatic safety plans in place by April 1, 2024, in a prominent
79 manner on its internet website. The department may publish additional notice on any
80 appropriate internet websites identified by the department, provided that any such post is
81 at no cost to the department.

82 (b) The department is authorized to enter into agreements with local aquatic safety
83 advocacy organizations in order to create outreach materials for distribution to private
84 swim instructors to notify such instructors about the aquatic safety plan requirement and
85 the availability for download of the model aquatic safety plan from the department's
86 internet website.

87 (c) No later than January 1, 2024, the Office of the Attorney General shall publish notice
88 of the requirement that all swim instructors have aquatic safety plans in place by April 1,
89 2024, in a prominent manner on its internet website.

90 31-45A-7.

91 A private swim instructor shall retain a copy of his or her aquatic safety plan at all times
92 when providing swimming lessons and make the copy available for presentation to a
93 student's parent or caregiver or a law enforcement officer upon request. If the private swim
94 instructor is employed by a business, community, or charitable entity providing swimming
95 lessons, the employing entity shall also retain a copy of the aquatic safety plan for
96 presentation to a student's parent or caregiver or a law enforcement officer upon request.

97 31-45A-8.

98 Any person that violates a provision of this chapter shall be subject to punishment by a
99 misdemeanor with a fine not to exceed \$200.00 for the first violation and by a
100 misdemeanor with a fine not to exceed \$200.00 for the second violation. Third or
101 subsequent violations shall be a misdemeanor, punishable upon conviction by a fine not to
102 exceed \$1,000.00."

103 **SECTION 2.**

104 This Act shall become effective upon its approval by the Governor or upon its becoming law
105 without such approval.

106 **SECTION 3.**

107 All laws and parts of laws in conflict with this Act are repealed.