

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1445 (Arambula) – As Amended April 17, 2023

SUBJECT: The Neng Thao Drowning Prevention Safety Act

SUMMARY: Authorizes a drowning or injury prevention organization to provide informational materials to a public elementary school, and requires, beginning with the 2024-25 school year and upon receipt of the materials, a public elementary school to provide the materials to parents of pupils in kindergarten to grade three, inclusive. Specifically, **this bill:**

- 1) Authorizes a local, state, or national drowning or injury prevention organization affiliated with one or more drowning prevention organizations to provide informational materials, in electronic or hardcopy form, to a public elementary school regarding the following topics:
 - a) The role that water safety education courses and swimming lessons play in drowning prevention and saving lives;
 - b) Local water safety and swimming skills programs in the county and communities served by the 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; and
 - c) Contact information of the organization to receive further water safety education information.
- 2) Prohibits the informational materials from being used to solicit funding or donations for the organization.
- 3) Requires, beginning with the 2024–25 school year and upon receipt of the informational materials, a public elementary school to provide the informational materials to parents, legal guardians, or caregivers of pupils in kindergarten to grade 3, inclusive, at the time the pupil enrolls at the school and at the beginning of each school year.
- 4) Requires, upon request by the public elementary school, a local, state, or national drowning or injury prevention organization affiliated with one or more drowning prevention expert organizations to provide the informational materials in the three most commonly spoken languages associated with the population attending the school.
- 5) Defines “water safety” to mean age-appropriate education intended 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 to reduce the risk of injury or drowning.

EXISTING LAW:

- 1) Requires a coach of an athletic activity to complete the coach's sudden cardiac arrest training course and to retake the training course every two years thereafter. States that a coach of an athletic activity shall not be eligible to coach an athletic activity until the coach completes the training course required. (Education Code (EC) 33479.6)
- 2) Commencing July 1, 2019, for a school district or charter school that elects to offer any interscholastic athletic program:
 - a) Requires the school district or charter school to acquire at least one automated external defibrillator (AED) for each school within the school district or the charter school;
 - b) Requires the school district or charter school ensure that the AED or AEDs are available to athletic trainers and coaches and authorized persons at these activities or events;
 - c) Requires the school district or charter school to ensure that its AED or AEDs are maintained and regularly tested according to the operation and maintenance guidelines set forth by the manufacturer, the American Heart Association, or the American Red Cross, and according to any applicable rules and regulations set forth by the governmental authority under the federal Food and Drug Administration and any other applicable state and federal authority; and
 - d) Encourages the school district or the charter school to ensure that the AED or AEDs are available for the purpose of rendering emergency care or treatment within a recommended three to five minutes of sudden cardiac arrest to pupils, spectators, and any other individuals in attendance at the athletic program's on-campus activities or events. (EC 35179.6)
- 3) Requires, if a school district or charter school elects to sponsor or host, in or around a swimming pool, an on-campus event that is not part of an interscholastic athletic program, the school district or charter school to require at least one adult with a valid certification of cardiopulmonary resuscitation (CPR) training to be present throughout the duration of the event. Authorizes that the presence of an adult with CPR training, as mandated by the California Interscholastic Federation coaching education program requirements, to satisfy this requirement. (EC 35179.6 (b))

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, "AB 1445 is known as The Neng Thao Drowning Prevention Act in honor of a young constituent. Neng Thao was an 18-year-old Senior, preparing to graduate with honors as valedictorian of Edison High School in Fresno, when he tragically drowned in a local river in front of family members in May 2017. His death impacted not only his family, but also the community he was becoming a leader in. It is in Neng Thao's honor that I hope AB 1445 builds a coalition committed to drowning prevention.

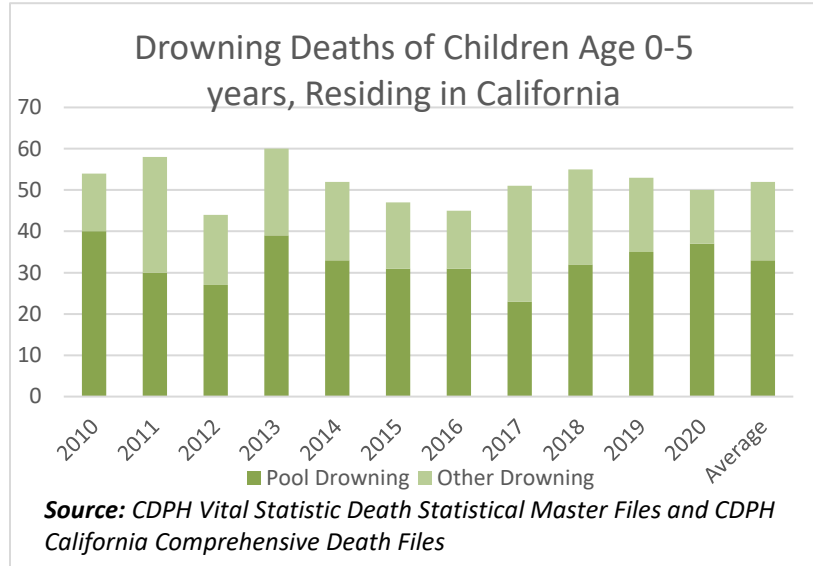
AB 1445 emphasizes how crucial it is that everyone has the skills and knowledge to stay safe in the water. AB 1445 creates a means of connecting all California elementary school children and

their parents and caregivers with water safety knowledge. This bill authorizes specified organizations to provide informational materials to public elementary schools on water safety and how to access swim lessons locally. By increasing awareness of swim safety and drowning prevention at an early age, AB 1445 can help save the lives of Californians.”

Child drowning. According to the California Department of Developmental Services, in California, drowning is a leading cause of injury-related deaths among children under the age of five. Each year, near-drowning incidents result in life-long disabilities.

According to a 2019 policy statement by the American Academy of Pediatrics (AAP) Council on Injury, Violence, and Poison Prevention, *Prevention of Drowning*, rates

of drowning death vary with sex, and race and/or ethnicity, with toddlers and male adolescents at highest risk. After 1 year of age, male children of all ages are at greater risk of drowning than female children. Overall, African American children have the highest drowning fatality rates, followed in order by American Indian and/or Alaskan native, white, Asian American and/or Pacific Islander, and Hispanic children.



Drowning is also a significant source of morbidity for children. In 2017, an estimated 8,700 children younger than 20 years of age visited a hospital emergency department for a drowning event, and 25% of those children were hospitalized or transferred for further care. Most victims of nonfatal drowning recover fully with no neurologic deficits, but severe long-term neurologic deficits are seen with extended submersion times (>6 minutes), prolonged resuscitation efforts, and lack of early bystander-initiated CPR.

Drowning prevention strategies. According to the AAP, five major drowning prevention interventions are evidence based: 4-sided pool fencing, life jackets, swim lessons, supervision, and lifeguards (with descending levels of evidence). The installation of 4-sided fencing (at least 4 feet tall) with self-closing and self-latching gates that completely isolates the pool from the house and yard is the most studied and effective drowning-prevention strategy for young children, preventing more than 50% of swimming-pool drownings of young children. Life jackets are now also well proven to prevent drowning fatalities. Some data reveal that swimming lessons may lower drowning rates among children, including those 1 to 4 years of age. Lifeguards and CPR training also appear to be effective.

Recommended Committee Amendments. Staff recommends that the bill be amended as follows:

- Authorize, rather than require, beginning with the 2024–25 school year, upon receipt of the informational materials, a public elementary school to provide the informational

materials to parents, legal guardians, or caregivers of pupils in kindergarten to grade 3, inclusive, at the time the pupil enrolls at the school and at the beginning of each school year.

- Move the article name, findings, and declarations to an uncodified section.

Arguments in support. The Youth Leadership Institute states, “In the past decade, drowning has claimed more than 2.5 million lives worldwide. Drowning is the leading cause of death for California children aged 1-4 years and is the third leading cause of death for California’s teens and youth. Drowning also disproportionately affects communities of color and low-income families. In the Central Valley this is particularly important given the likelihood of our communities of color and low-income families to seek out local rivers, lakes and streams as a form of relief from the frequent 100 degree days during the summer months.

For every child who dies from drowning, another eight receive emergency department care for non-fatal drowning. The injury due to non-fatal drowning injuries can cause irreversible brain damage and other serious outcomes, which can lead to lifelong learning deficiencies and physical impairments. Improving water safety knowledge and swim skills are a key way to reduce drowning. Studies show that individuals with these skills are nearly 88% less likely to suffer a drowning incident. Drowning prevention awareness will save the lives of countless children and valuable community members.”

Related legislation. AB 768 (Holden) of the 2021-22 Session would have required the California Department of Public Health (CDPH), in cooperation with the CDE and other specified entities, to develop an aquatic and pool safety program to be made available for use at school districts, county offices of education (COEs), and charter schools that serve pupils in kindergarten or any of grades 1 to 12, inclusive, as a model policy at no expense. The bill would have also required the CDE to notify school districts, COEs, and charter schools of the availability of the aquatic and pool safety program model policy once it is developed and to establish a deadline for them to adopt an aquatic and pool safety program that is based on the model policy. This bill was held in the Assembly Education Committee.

AB 2650 (Arambula) of the 2021-22 Session would have authorized a drowning or injury prevention organization to provide informational materials to a public elementary school, and would have required beginning with the 2022-23 school year, upon receipt of the materials, a public elementary school to provide the materials to parents of pupils in kindergarten to grade three, inclusive. This bill was held in the Assembly Education Committee.

SB 722 (Melendez), Chapter 679, Statutes of 2021, requires a school district or charter school, if it elects to host or sponsor an event that is in or around a swimming pool, to have at least one adult with a valid certification of CPR training to be present throughout the duration of the event.

AB 1214 (Melendez) of the 2019-20 Session would have required a local educational agency (LEA) to offer a course in CPR for school staff. The Governor vetoed the bill with the following message:

While I support efforts to ensure the safety of students involved in local activities, the requirements of this bill exceed that goal and create new, potentially significant costs for LEAs by requiring them to make CPR training available to all school staff rather than

only the staff involved with the interscholastic athletic programs. For this reason, I am unable to sign this bill.

AB 1766 (Maienschein), Chapter 270, Statutes of 2018, requires public swimming pools, as defined, that are required to provide lifeguard services and that charge a direct fee to additionally provide an AED during pool operations. Also requires the CDE, in consultation with the CDPH, to issue best practices guidelines related to pool safety at K–12 schools.

AB 2009 (Maienschein), Chapter 646, Statutes of 2018, requires school districts or charter schools that choose to offer any interscholastic athletic program to ensure that there is a written emergency action plan in place that describes the location and procedures to be followed in the event of sudden cardiac arrest and other medical emergencies related to the athletic program's activities or events. The written emergency action plan must be posted in compliance with the most recent pertinent guidelines of the National Federation of State High School Associations. Further requires the school districts or charter schools to acquire at least one AED for each school within the school district or the charter school.

SB 442 (Newman), Chapter 670, Statutes of 2017, requires two of seven specified safety barriers to keep children from accessing pools. The new law makes the Pool Safety Act uniform across the state and affects new pools, pools being updated and pools associated with a home sale.

AB 1719 (Rodriguez), Chapter 556, Statutes of 2016, requires school districts and charter schools that require a course in health education for graduation from high school to include instruction in performing compression-only CPR. Requires the CDE to provide guidance on how to implement these provisions, including, but not limited to, who may provide instruction. Provides that a local agency, entity of state or local government, or other public or private organization that sponsors, authorizes, supports, finances, or supervises, and a public employee who provides or facilitates, the instruction of pupils in compression-only cardiopulmonary resuscitation or the use of an AED pursuant to the bill will not be liable for any civil damages alleged to result from the acts or omissions of an individual who received such instruction.

SB 658 (Hill), Chapter 264, Statutes of 2015, requires, when an AED is placed in a public or private K–12 school, the principal to ensure that the school administrators and staff annually receive information that describes sudden cardiac arrest, the school's emergency response plan, and the proper use of an AED. Further requires the principal to also ensure that instructions, in no less than 14-point type, on how to use the AED are posted next to every AED. The principal must, at least annually, notify school employees as to the location of all AED units on the campus.

REGISTERED SUPPORT / OPPOSITION:

Support

Centro LA Familia Advocacy Services
Proteus, INC.
The Children's Movement of Fresno
Youth Leadership Institute
1 individual

Opposition

None on file

Analysis Prepared by: Marguerite Ries / ED. / (916) 319-2087