

AMENDED IN ASSEMBLY AUGUST 23, 2022

AMENDED IN SENATE MARCH 28, 2022

SENATE BILL

No. 855

Introduced by Senator Newman
(Coauthors: Senators Bates, Eggman, Hurtado, Portantino, Rubio,
and Umberg)

January 19, 2022

An act to add and repeal Chapter 4 (commencing with Section 131350) of Part 1 of Division 112 of the Health and Safety Code, relating to recreational safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 855, as amended, Newman. Childhood Drowning Data Collection Pilot Program.

Existing law establishes the State Department of Public Health in the California Health and Human Services Agency. Existing law requires the department to collect data on various topics, including data on violent deaths as reported by various sources, as specified.

This bill would ~~establish~~ *require the department to establish, on or before January 1, 2024, and administer* the Childhood Drowning Data Collection Pilot Program, ~~to be administered by the department, to~~ *Program, which would* collect detailed data on childhood fatal and nonfatal drownings in California, as specified. The bill would require the department, on or before ~~January~~ *July 1, 2024*, to seek to collaborate with at least 5 but no more than 10 county child death review teams or other local agencies, as specified. The bill would require the department to submit various reports to the appropriate legislative policy committees, as specified. The bill would require the department, based on those reports, to develop a California Water Safety Action Plan for

Children and a standardized form for counties to use in reporting drownings statistics. ~~The bill would require the department to seek to fund this program through already existing specified funds, to the extent that use of existing funding does not jeopardize federal funding. The bill would also authorize counties to seek reimbursement from the department from specified funds, to the extent that reimbursement does not jeopardize federal funding.~~ The bill would repeal these provisions on January 1, 2029.

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. (a) The Legislature makes the following findings
2 and declarations:
- 3 (1) Drowning is the leading cause of unintentional injury-related
4 death among children one to four, inclusive, years of age in the
5 United States and California, and the second leading cause of
6 unintentional injury-related death among California children five
7 to nine, inclusive, years of age.
- 8 (2) The rates of these fatal pool drownings among children one
9 to four, inclusive, years of age have increased as follows:
10 1.5/100,000 (2018); 1.6/100,000 (2019); and 1.8/100,000 (2020).
- 11 (3) Between 2018 and 2020, 139 children one to four, inclusive,
12 years of age died from drowning. Seventy percent of those were
13 known to have occurred in swimming pools.
- 14 (4) Recent data shows that in 2020, 389 children one to four,
15 inclusive, years of age were seen in the emergency room, 118 were
16 admitted to the hospital, and 47 died from drowning.
- 17 (5) Between 2018 and 2020, among children 0 to 17, inclusive,
18 years of age, 224 died, 757 were hospitalized, and 1,367 were seen
19 in the emergency department.
- 20 (6) Many children who survive have lifelong disabilities ranging
21 from minor to severe. The 2020 Client Development Evaluation
22 Report (CDER) from the State Department of Developmental
23 Service reports a caseload of 768 individuals who require services
24 as a result of a nonfatal drowning, a significant long-term cost to
25 the state.
- 26 (7) California does not have a uniform reporting system to
27 further develop best practices, community interventions, and public

1 policy. Inconsistent and incomplete data hamper monitoring of
2 trends, ascertainment of risk factors, and the design and evaluation
3 of prevention strategies.

4 (8) The establishment of systematic reporting of information
5 on the circumstances of drowning is a strong recommendation of
6 the American Academy of Pediatrics.

7 (b) It is the intent of the Legislature to establish a statewide
8 drowning surveillance system with consistent, systematic reporting
9 and analysis that will help identify specific risk factors, including
10 specific groups, communities, and sites, that can inform
11 recommendations for more effective local and state drowning
12 prevention interventions and policies.

13 SEC. 2. Chapter 4 (commencing with Section 131350) is added
14 to Part 1 of Division 112 of the Health and Safety Code, to read:

15

16 CHAPTER 4. CHILDHOOD DROWNING DATA COLLECTION PILOT
17 PROGRAM

18

19 131350. For purposes of this chapter, the following terms have
20 the following meanings:

21 (a) "Department" means the State Department of Public Health.

22 (b) "Data collection pilot program" means the Childhood
23 Drowning Data Collection Pilot Program established pursuant to
24 ~~subdivision (a) of Section 131351.~~ *this chapter.*

25 131351. (a) The Childhood Drowning Data Collection Pilot
26 Program is hereby established, to *shall* be administered by the
27 department.

28 (b) The purpose of the data collection pilot program shall be to
29 collect detailed data on childhood fatal and nonfatal drownings in
30 California with a particular focus to be directed at childhood pool
31 drownings among children one to four, inclusive, years of age.
32 The data collection pilot program shall use existing department
33 electronic data collection systems and determine how to highlight
34 data on circumstances of drowning cases.

35 131352. The data collection pilot program shall be implemented
36 according to the following requirements:

37 (a) (1) *The department shall establish the pilot program on or*
38 *before January 1, 2024.* On or before ~~January~~ *July 1, 2024*, the
39 department shall seek to collaborate with at least 5 but no more
40 than 10 county child death review teams authorized pursuant to

1 Section 11174.32 of the Penal Code, other local agencies that
2 collect data on fatal and nonfatal drowning, or both.

3 (2) In soliciting participants pursuant to paragraph (1), the
4 department shall primarily solicit counties with historically high
5 fatal and nonfatal drowning rates among children one to four,
6 inclusive, years of age.

7 (b) ~~Through January 1, 2025, the~~ *The* data collection pilot
8 program shall track child fatal drownings and collect detailed
9 information on the circumstances surrounding these fatal
10 drownings. The data collection pilot program shall also explore
11 ways to track and collect similar data on nonfatal drowning using
12 electronic forms and shall track that information, if feasible.

13 131353. (a) (1) On or before ~~April 1, 2024, and April 1, 2025,~~
14 *January 1, 2026*, the department shall submit a report to the
15 appropriate legislative policy committees on the progress of the
16 data collection program and findings of the data collection pilot
17 program.

18 (2) In compiling the reports required pursuant to this section,
19 the department shall solicit and consider stakeholder input.

20 (3) The report required pursuant to this subdivision shall include
21 recommendations related to improving pool safety on a state and
22 local level.

23 (b) (1) ~~By June 30, 2026,~~ *January 1, 2027*, the department shall,
24 after consultation with an advisory group with expertise in
25 childhood drowning prevention, submit a report on the findings
26 of the data collection pilot program to the appropriate legislative
27 policy committees. The department shall also post the report on
28 its internet website.

29 (2) The report submitted pursuant to paragraph (1) shall include
30 recommendations on the structure and operation of an ongoing
31 system for collecting child drowning data and effective
32 evidence-based state and local drowning prevention policies and
33 best practices.

34 (c) The reports submitted pursuant to this section shall be
35 submitted in compliance with Section 9795 of the Government
36 Code.

37 131354. Based on the reports submitted pursuant to this ~~chapter~~
38 ~~and the feedback on those reports,~~ *chapter*, the department shall
39 develop both of the following:

1 (a) (1) A California Water Safety Action Plan for Children.
2 The plan shall be a comprehensive, realistic, and executable plan
3 patterned after the United States National Water Safety Action
4 Plan, which aims to create water-safe communities and states.

5 (2) The department shall post the plan developed pursuant to
6 this subdivision on its internet website on or before January 1,
7 2027.

8 (b) A standardized electronic form for counties to use in
9 reporting drowning statistics developed in consultation with the
10 state advisory group and the National Center for Fatality Review
11 and Prevention.

12 ~~131355. (a) To the extent it does not jeopardize federal~~
13 ~~funding, the department shall seek to fund this program through~~
14 ~~already existing Title V Maternal and Child Health (MCH) Block~~
15 ~~Grant Program moneys currently allocated to the Fatal Child Abuse~~
16 ~~and Neglect Surveillance (FCANS) Program.~~

17 ~~(b) To the extent it does not jeopardize federal funding,~~
18 ~~participating counties may seek reimbursement from the~~
19 ~~department from existing Title V MCH Block Grant Program~~
20 ~~moneys currently allocated to the FCANS Program.~~

21 ~~131356.~~

22 ~~131355. This section chapter shall remain in effect only until~~
23 ~~January 1, 2029, and as of that date is repealed.~~