



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2495

Introduced 2/4/2025, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

New Act

55 ILCS 5/5-1066

from Ch. 34, par. 5-1066

65 ILCS 5/11-30-9

from Ch. 24, par. 11-30-9

Creates the Private Swimming Pool Enclosure Act which may be referred to as "Zoe's Law". Requires that new outdoor swimming pools on private residential property be enclosed by a fence, wall, or other effective permanent barrier of at least 42 inches in height with openings not more than 2 inches from the bottom to grade and not more than 4 inches within the wall, fence, or barrier. Provides that the provisions do not apply to above ground pools with a height of 42 inches or more or to jacuzzis. Permits more restrictive regulation by units of local government. Requires all municipalities to develop a permitting process for all swimming pools no later than 1/1/2026. Requires all permitted swimming pools to have enclosures inspected by the permitting municipality before the receipt of an initial permit and at least once every 5 years after that. Defines "swimming pool" for the purposes of the Act. Limits home rule powers. Makes conforming changes to the Counties Code and the Illinois Municipal Code.

LRB104 11289 RTM 21375 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title.

5 (a) This Act may be cited as the Private Swimming Pool  
6 Enclosure Act.

7 (b) This Act may be referred to as "Zoe's Law".

8 Section 5. Definition. As used in this Act, "swimming  
9 pool" means an outdoor artificial basin of water that is  
10 constructed, modified, improved, or installed in or above the  
11 ground of private residential property for the purpose of  
12 swimming or wading and that has a depth of more than 24 inches  
13 covering more than 25 square feet or that has a capacity of  
14 more than 200 gallons of water. "Swimming pool" includes only  
15 swimming pools intended for the use of the owner and guests.  
16 "Swimming pool" does not include (i) swimming pools subject to  
17 the Swimming Pool and Bathing Beach Act or the Swimming Pool  
18 Safety Act; (ii) above ground pools with a height of 42 or more  
19 inches; or (iii) jacuzzis.

20 Section 10. Barrier required. A protective fence, wall,  
21 or other effective permanent barrier shall completely enclose  
22 the perimeter of a swimming pool the construction or

1 installation of which is completed on or after the effective  
2 date of this Act. The fence, wall, or other barrier shall be at  
3 least 42 inches in height with openings not more than 2 inches  
4 from the bottom to grade and not more than 4 inches within the  
5 wall, fence, or barrier.

6 Section 15. Local regulation.

7 (a) Nothing in this Act prohibits a unit of local  
8 government from regulating the enclosure of swimming pools,  
9 the construction or installation of which is completed on or  
10 after the effective date of this Act, in a more restrictive  
11 manner. Nothing in this Act prohibits a unit of local  
12 government from regulating the enclosure of swimming pools,  
13 the construction or installation of which is completed before  
14 the effective date of this Act, in an inconsistent manner.

15 (b) All municipalities shall, by ordinance or resolution,  
16 develop a permitting process for all swimming pools no later  
17 than January 1, 2027. All permitted swimming pools shall have  
18 enclosures inspected by the permitting municipality before the  
19 receipt of an initial permit and at least once every 5 years  
20 thereafter.

21 Section 20. Home rule. A home rule unit may not regulate  
22 the enclosure of swimming pools, the construction or  
23 installation of which is completed on or after the effective  
24 date of this Act, in a manner less restrictive than the

1 regulation by the State of the enclosure of those swimming  
2 pools under this Act. This Section is a limitation under  
3 subsection (i) of Section 6 of Article VII of the Illinois  
4 Constitution on the concurrent exercise by home rule units of  
5 powers and functions exercised by the State.

6 Section 105. The Counties Code is amended by changing  
7 Section 5-1066 as follows:

8 (55 ILCS 5/5-1066) (from Ch. 34, par. 5-1066)

9 Sec. 5-1066. Artificial basins of water used for swimming  
10 or wading. Subject to the Private Swimming Pool Enclosure Act,  
11 the county board may prescribe rules and regulations for the  
12 construction of privately owned artificial basins of water  
13 used for swimming or wading, which use or need external  
14 buttresses or which are dug into the ground, located on  
15 private residential property and intended for the use of the  
16 owner and guests. The county shall, however, exempt all  
17 municipalities located wholly or partly within the county  
18 where the municipal building code is equal to or of higher  
19 standard than the county regulation and where the local  
20 authorities are enforcing the municipal building code.

21 (Source: P.A. 86-962.)

22 Section 110. The Illinois Municipal Code is amended by  
23 changing Section 11-30-9 as follows:

1 (65 ILCS 5/11-30-9) (from Ch. 24, par. 11-30-9)

2 Sec. 11-30-9. Artificial basins of water. Subject to the  
3 Private Swimming Pool Enclosure Act, the corporate authorities  
4 may prescribe rules and regulations for the construction of  
5 privately owned artificial basins of water used for swimming  
6 or wading, which use or need external buttresses or which are  
7 dug into the ground, located on private residential property  
8 and intended for the use of the owner and guests.

9 The corporate authorities may by ordinance require the  
10 construction of fences around or protective covers over  
11 previously constructed artificial basins of water dug in the  
12 ground and used for swimming or wading, which are located on  
13 private residential property and intended for the use of the  
14 owner and guests.

15 (Source: P.A. 86-1470.)