



**House  
Legislative  
Analysis  
Section**

Washington Square Building, Suite 1025  
Lansing, Michigan 48909  
Phone: 517/373-6466

**ALLOW HANDICAPPER FLOATATION AIDS**

**Senate Bill 445** as passed by the Senate  
First Analysis (5-23-89)

**RECEIVED**  
JUN 06 1989

Sponsor: Sen. Lana Pollack  
Senate Committee: State Affairs, Tourism, and  
Transportation  
House Committee: Public Health

***THE APPARENT PROBLEM:***

A child in Illinois with epilepsy drowned in a swimming pool in Illinois after having a seizure while in the pool. The boy's parents believe that their son would not have drowned, had he been allowed to wear a life jacket (which the pool operators had forbidden). In the belief that such prohibitions on the use of life jackets could endanger the lives of other people, the parents have contacted several states requesting that legislation prohibiting such prohibitions be proposed.

***THE CONTENT OF THE BILL:***

The bill would amend the Public Health Code to prohibit swimming pool operators from not allowing handicapped people from using life jackets in the pool if the handicapped person had a signed statement from his or her physician saying that he or she needed to use a life jacket. Someone who violated this prohibition would be guilty of a misdemeanor (with each day the violation occurs being a separate violation), and could be prosecuted by the attorney general or local prosecuting attorney.

MCL 333.12531a and 333.12533

***FISCAL IMPLICATIONS:***

According to the Senate Fiscal Agency, the bill would have no fiscal implications for the state. (5-11-89)

***ARGUMENTS:***

***For:***

Currently, pool operators may decide whether or not to allow swimmers to use flotation devices in the pool. The tragic case of the child who drowned because he had not been allowed to wear a life jacket (which could have kept his head above water when he had an epileptic seizure) while swimming in a pool suggests that future such tragedies could be prevented by legislation which would disallow such prohibitions for handicapped people with signed statements from their physicians.

***POSITIONS:***

Positions on the bill are not available.