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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 445 (as enrolled)

Sponsor: Senator Lana Pollack

Senate Committee: State Affairs, Tourism, and Transportation

House Committee: Public Health

PUBLIC ACT 153 of 1989

Date Completed: 6-29-89

RATIONALE

Recently in Illinois, a child with epilepsy drowned after having a seizure while in a swimming pool. Some believe that the boy 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, it has been suggested that the use of life jackets by persons with physical disabilities be specifically authorized in statute.

CONTENT

The bill would amend the Public Health Code to provide that a person could not prohibit the use of a Coast Guard-approved life jacket in a public swimming pool by an individual who had in his or her possession a statement signed by a licensed physician stating that the individual had a physical disability or condition that necessitated the use of a life jacket. An individual would have to assume the risk of any injury to himself or herself caused by the use of a life jacket as provided by the bill that was not otherwise caused by the pool operation's negligence. A violation of this provision would constitute a misdemeanor and each day the violation occurred would be a separate violation. The Attorney General or local prosecuting attorney would be responsible for prosecuting violators.

Proposed MCL 333.12531a

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

Currently, pool operators may decide whether 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) suggests that such tragedies could be prevented if handicapped people were allowed to use the jackets.

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S.B. 445 (6-29-89)