

# SENATE BILL No. 265

April 15, 2015, Introduced by Senators HANSEN, NOFS, BOOHER, MARLEAU and PROOS and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 12542 (MCL 333.12542).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 12542. (1) ~~The owner or person in charge of a public~~  
2 ~~bathing beach shall provide and maintain~~ **IF A GOVERNMENTAL ENTITY**  
3 **MAKES AVAILABLE TO THE PUBLIC** suitable and adequate safety and  
4 rescue equipment ~~and suitable and adequate means of communication~~  
5 ~~with outside sources of assistance, which shall be available and~~  
6 ~~accessible at the public bathing beach when it is open to~~  
7 ~~bathers.~~ **FOR THE PROTECTION OF INDIVIDUALS AT A WATER BODY WITHIN**  
8 **ITS JURISDICTION, AND IF THE GOVERNMENTAL ENTITY ESTABLISHES A**  
9 **REASONABLE MAINTENANCE, INSPECTION, AND REPLACEMENT SCHEDULE FOR**  
10 **THE EQUIPMENT, THOSE ACTIONS CONSTITUTE THE EXERCISE OR DISCHARGE**  
11 **OF A GOVERNMENTAL FUNCTION. AS USED IN THIS SUBSECTION, "WATER**

1 BODY" DOES NOT INCLUDE A PUBLIC SWIMMING POOL AS DEFINED IN SECTION  
2 12521.

3 (2) THE DEPARTMENT OF NATURAL RESOURCES MAY PROMULGATE RULES  
4 TO IMPLEMENT THIS SECTION.

5 (3) A PERSON WHO, WITHOUT LAWFUL AUTHORITY, TAMPERS WITH,  
6 TAKES, OR REMOVES A MARINE SAFETY DEVICE OWNED OR MAINTAINED BY  
7 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE KNOWING OR  
8 HAVING REASON TO KNOW THAT THE DEVICE IS A MARINE SAFETY DEVICE IS  
9 SUBJECT TO THE PENALTIES PRESCRIBED IN SECTION 498B OF THE MICHIGAN  
10 PENAL CODE, 1931 PA 328, MCL 750.498B.