

Legislative Analysis



LEARN TO SWIM FACILITIES

House Bill 6190 as introduced
Sponsor: Rep. Michael Webber
Committee: Regulatory Reform
Revised 9-16-20

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6190 would amend Part 125 (Campgrounds, Swimming Areas, and Swimmers' Itch) of the Public Health Code to create the category of *learn to swim facilities* for purposes of the provisions of that part that apply to *public swimming pools*.

Learn to swim facility would mean a swimming pool facility that is used primarily for a member-based swim instruction business.

Public swimming pool means an artificial body of water that is used collectively by a number of individuals primarily for swimming, wading, recreation, or instruction. The term includes related equipment, structures, areas, and enclosures intended to be used by individuals using or operating the swimming pool, such as equipment, dressing, locker, shower, and toilet rooms.

Public swimming pools include pools for parks, schools, motels, camps, resorts, apartments, clubs, hotels, mobile home parks, subdivisions, waterparks, and the like.

Public swimming pools do not include a pool or portable pool on the same premises as a one- to four-family dwelling and for the occupants' benefit; a natural bathing area such as a stream, lake, river, or artificial lake or pond that uses water from natural sources and has an inflow and outflow of natural water; an exhibitor's swimming pool built as a model and in which swimming by the public is not allowed; or a pool that serves four or fewer hotel, motel, apartment, condominium, or similar units.

The Public Health Code generally requires the Department of Environment, Great Lakes, and Energy (EGLE)¹ to review the design, construction, and operation of public swimming pools to protect the public health, to prevent the spread of disease, and to prevent accidents or premature deaths. To further this oversight responsibility, the code authorizes EGLE to do, among other things, the following:

- Review and approve plans and specifications for building or modifying a public swimming pool.
- Issue a permit required for construction or modification of a public swimming pool and collect a permit fee.
- Issue a license required to operate a public swimming pool and collect a license fee.
- Make periodic inspections of public swimming pools.

¹ See https://www.michigan.gov/egle/0,9429,7-135-3313_71151_71481_51087_3732---,00.html

- Revoke a license to operate a public swimming pool for failure to comply with the code or departmental rules.²
- Close a public swimming pool to protect the public health and safety.
- Seek an injunction against a person who is building, modifying, or operating a public swimming pool without a permit or license or in a manner contrary to law.
- Provide for periodic reports about public swimming pools.

The bill would include learn to swim facilities as a type of facility subject to all of these provisions that apply to public swimming pools.

A person with a valid, current permit to operate a learn to swim facility when the bill took effect would not have to pay the initial license fee that the code would otherwise require.

MCL 333.12521 et seq.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Austin Scott

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

² https://www.michigan.gov/documents/deq/deq-dwrpd-eh-swmp1-SR_Rules_PRINT_COPY_2-8-01_270447_7.pdf