

# HOUSE BILL NO. 5983

April 12, 2022, Introduced by Reps. Wakeman and Cherry and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 12521 and 12526 (MCL 333.12521 and 333.12526),  
section 12521 as amended by 2004 PA 408, and by adding section  
12526a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 12521. As used in sections 12521 to 12534:
- 2       (a) "Department" means the department of ~~environmental~~
- 3 ~~quality~~. **environment, Great Lakes, and energy.**

~~(b) "Local health department" means that term as defined under section 1105.~~

~~(b) (c) "Person" means a person that term~~ as defined in section 1106 or a governmental entity.

~~(c) (d) "Public~~ **Except as otherwise provided in subdivision**

**(d), "public swimming pool" means an artificial body of water for a qualified premises that is** used collectively by a number of individuals primarily for the purpose of swimming, wading, recreation, or instruction and includes related equipment, structures, areas, and enclosures intended for the use of individuals using or operating the swimming pool, ~~such as equipment, including, but not limited to, any of the following:~~

**(i) Equipment,** dressing, locker, shower, and toilet rooms. ~~Public swimming pools include those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, mobile home parks, subdivisions, waterparks, and the like.~~

**(ii) Areas used to serve, prepare, or consume food and beverages.**

**(d) A-Public swimming pool does not include a** pool or portable pool located on the same premises with a 1-, 2-, 3-, or 4-family dwelling and for the benefit of the occupants and their guests, a natural bathing area such as a stream, lake, river, or man-made 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 at the site of the seller and in which swimming by the public is not permitted, or a pool serving not more than 4 hotel, motel, apartment, condominium, or similar units. ~~is not a public swimming pool.~~

**(e) "Qualified premises" includes, but is not limited to, a**

1 park, school, motel, camp, resort, apartment, club, hotel, mobile  
2 home park, subdivision, and waterpark.

3 Sec. 12526. (1) The department shall examine the plans and  
4 specifications and, **subject to section 12526a**, determine whether  
5 the swimming pool facilities, if constructed in accordance  
6 ~~therewith,~~ **with the plans and specifications**, are or would be  
7 sufficient and adequate to protect the public health and safety. If  
8 the plans and specifications are approved, the department shall  
9 issue a permit for construction. If the plans and specifications  
10 are not approved, the department shall notify the applicant or the  
11 applicant's representative of the deficiencies. The applicant may  
12 have the plans and specifications amended to remedy the  
13 deficiencies and resubmit the documents, without additional fee,  
14 for further consideration.

15 (2) A construction permit ~~shall be~~ **is** valid for not more than  
16 2 years after the date of issuance unless a written time extension  
17 is granted by the department.

18 (3) Each public swimming pool ~~shall~~ **must** be constructed or  
19 modified in accordance with the approved plans and specifications  
20 unless written approval of a change is granted by the department.

21 **Sec. 12526a. (1) Subject to section 548 of the Michigan liquor**  
22 **control code of 1998, 1998 PA 58, MCL 436.1548, and the food law,**  
23 **2000 PA 92, MCL 289.1101 to 289.8111, a person engaged in the**  
24 **operation of a public swimming pool shall not allow the consumption**  
25 **of food or beverages, including alcoholic liquor, in a public**  
26 **swimming pool unless all of the following are met:**

27 (a) The department has determined under section 12526 that the  
28 plans and specifications for the public swimming pool meet all of  
29 the following requirements:

1 (i) The materials used to construct the area used for serving,  
2 preparing, or consuming food or beverages are made of a material  
3 that can be regularly sanitized.

4 (ii) Areas where ice, food, equipment, and any other item that  
5 is stored or used in the preparation of food or beverages are  
6 physically separated by a service counter or other structure or  
7 material in a manner that protects the ice, food, equipment, or  
8 other item from splash or spillage of swimming pool water.

9 (iii) The swimming pool water is equipped with heightened  
10 filtration standards.

11 (iv) The swimming pool water is monitored with an electronic  
12 chemical control monitoring system.

13 (b) The water temperature of the public swimming pool is  
14 maintained at 104 degrees Fahrenheit or less.

15 (c) The free and combined chlorine levels in the swimming pool  
16 water are tested, pool-side, at least 2 times per day when the  
17 public swimming pool is open for use.

18 (d) At least 1 lifeguard is on duty in the swimming pool  
19 enclosure when the public swimming pool is open for use.

20 (2) A person engaged in the operation of a public swimming  
21 pool that allows for the consumption of food or beverages in the  
22 public swimming pool under this section shall ensure that food and  
23 beverages are served in a container made of plastic or another  
24 nonbreakable material and that is designed to reduce the chances of  
25 spilling the food or beverage in the swimming pool water.

26 (3) As used in this section:

27 (a) "Alcoholic liquor" means that term as defined in section  
28 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL  
29 436.1105.

1 (b) "Heightened filtration standards" means all of the  
2 following:

3 (i) A regenerative media filter system.

4 (ii) An accelerated water turnover rate of once every 30  
5 minutes when the public swimming pool is open for use.

6 (iii) An ultraviolet light secondary disinfection system.

7 (c) "Swimming pool enclosure" means the area containing 1  
8 public swimming pool or, if the area contains 2 or more public  
9 swimming pools, the area containing all of the public swimming  
10 pools, which area is surrounded by an uninterrupted constructed  
11 feature or obstacle that meets all of the following requirements:

12 (i) It is used to surround and secure the area.

13 (ii) It is intended to deter or effectively prevent  
14 unpermitted, uncontrolled, and unfettered access to the area.

15 (iii) It is designed to resist climbing and to prevent passage  
16 through and under it.

17 Enacting section 1. This amendatory act does not take effect  
18 unless Senate Bill No. \_\_\_\_ or House Bill No. 5984 (request no.  
19 05511'22) of the 101st Legislature is enacted into law.