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House Bill 5983 (Substitute H-3 as reported without amendment)  
House Bill 5984 (Substitute H-2 as reported without amendment)  
Sponsor: Representative Rodney Wakeman (H.B. 5983)  
Representative John Cherry (H.B. 5984)  
House Committee: Regulatory Reform  
Senate Committee: Economic and Small Business Development

### **CONTENT**

House Bill 5983 (H-3) would amend Part 125 (Campgrounds, Swimming Areas, and Swimmer's Itch) of the Public Health Code to do the following:

- Specify that a person engaged in the operation of a public swimming pool could not allow for the preparation of food or beverages in the swimming pool enclosure, or the consumption of such in the public swimming pool, unless certain requirements pertaining to the pool were met.
- Require a person engaged in the operation of a public swimming pool that allowed for the consumption of food or beverages in the public swimming pool to ensure that food and beverages were served in a container made of plastic or another nonbreakable material that was designed to reduce the chances of spilling the food or beverage in the swimming pool water.

House Bill 5984 (H-2) would add Section 548 to the Michigan Liquor Control Code to do the following:

- Allow the Michigan Liquor Control Commission to issue an on-premises public swimming pool permit to an on-premises licensee that was licensed to operate a public swimming pool under Part 125 of the Public Health Code.
- Require the Commission to charge an initial and an annual fee of \$350 for the permit.
- Allow a holder of a permit to sell and serve alcoholic liquor in a public swimming pool located on the licensed premises if certain conditions pertaining to the location and method of sales were met.
- Require the Commission to develop an application for an annual on-premises public swimming pool permit allowing for licensed activities described above.

The bills are tie-barred.

MCL 333.12521 et al. (H.B. 5983)  
Proposed MCL 436.1548 (H.B. 5984)

Legislative Analyst: Tyler P. VanHuyse

### **FISCAL IMPACT**

House Bill 5983 (H-3) would have a minimal fiscal impact on EGLE and no fiscal impact on local units of government. The bill would allow for the construction of swim-up pool bars in public swimming pools. Operators of public swimming pools would have to obtain the necessary permits from EGLE before construction of the swim-up pool bar could begin.

The bill would have a minimal increase in costs for EGLE because of the bill's expansion of the Department's permitting role; however, the extent of any cost increase is unknown. Currently, EGLE is aware of two potential permit applications pending the bill's enactment. In fiscal year 2020-21, EGLE received 5,018 public swimming pool license renewal applications and approved 4,812 of those applications. Additionally, EGLE received 69 public swimming pool construction permits and approved 81 construction projects for the same year. Therefore, the bill likely would not increase EGLE's operating expenses significantly, as it already regulates public swimming pools. Costs for EGLE could increase if requests to construct pools with swim-up bars caused the number of construction permits to increase significantly.

House Bill 5984 (H-2) would have an indeterminate fiscal impact on State government and local units of government. The Commission would collect the annual fee of \$350 for on-premises public swimming pool permits. The amount of revenue collected as well as the costs to the Commission associated with the permits would depend on the number of permits issued. Revenue collected would be distributed in the same manner as most other retail license fees, with 55% returned to local governments as liquor law enforcement grants and the remainder used for Liquor Control Code enforcement and substance abuse treatment programs.

Date Completed: 6-1-22

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