

**SUBSTITUTE FOR
HOUSE BILL NO. 5983**

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.**

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

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

1 (c) ~~(d)~~ ~~"Public~~ **Except as otherwise provided in subdivision**
2 **(d), "public swimming pool"** means an artificial body of water **for a**
3 **qualified premises that is** used collectively by a number of
4 individuals primarily for the purpose of swimming, wading,
5 recreation, or instruction and includes related equipment,
6 structures, areas, and enclosures intended for the use of
7 individuals using or operating the swimming pool, ~~such as~~
8 ~~equipment,~~ **including, but not limited to, equipment,** dressing,
9 locker, shower, and toilet rooms. ~~Public swimming pools include~~
10 ~~those which are for parks, schools, motels, camps, resorts,~~
11 ~~apartments, clubs, hotels, mobile home parks, subdivisions,~~
12 ~~waterparks, and the like.~~

13 (d) ~~A~~ **Public swimming pool does not include a** pool or portable
14 pool located on the same premises with a 1-, 2-, 3-, or 4-family
15 dwelling and for the benefit of the occupants and their guests, a
16 natural bathing area such as a stream, lake, river, or man-made
17 lake or pond that uses water from natural sources and has an inflow
18 and outflow of natural water, an exhibitor's swimming pool built as
19 a model at the site of the seller and in which swimming by the
20 public is not permitted, or a pool serving not more than 4 hotel,
21 motel, apartment, condominium, or similar units. ~~is not a public~~
22 ~~swimming pool.~~

23 (e) **"Qualified premises" includes, but is not limited to, a**
24 **park, school, motel, camp, resort, apartment, club, hotel, mobile**
25 **home park, subdivision, and waterpark.**

26 Sec. 12526. (1) The department shall examine the plans and
27 specifications and, **subject to section 12526a,** determine whether
28 the swimming pool facilities, if constructed in accordance
29 ~~therewith,~~ **with the plans and specifications,** are or would be

1 sufficient and adequate to protect the public health and safety. If
2 the plans and specifications are approved, the department shall
3 issue a permit for construction. If the plans and specifications
4 are not approved, the department shall notify the applicant or the
5 applicant's representative of the deficiencies. The applicant may
6 have the plans and specifications amended to remedy the
7 deficiencies and resubmit the documents, without additional fee,
8 for further consideration.

9 (2) A construction permit ~~shall be~~ **is** valid for not more than
10 2 years after the date of issuance unless a written time extension
11 is granted by the department.

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

15 **Sec. 12526a. (1) Subject to section 548 of the Michigan liquor**
16 **control code of 1998, 1998 PA 58, MCL 436.1548, and the food law,**
17 **2000 PA 92, MCL 289.1101 to 289.8111, a person engaged in the**
18 **operation of a public swimming pool shall not allow the preparation**
19 **of food or beverages in the swimming pool enclosure, or consumption**
20 **of food or beverages in the water of a public swimming pool, unless**
21 **all of the following are met:**

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

25 (i) The materials used to construct the area within the
26 swimming pool water that is used for serving, preparing, or
27 consuming food or beverages are made of a material that is
28 nonabsorbent, is easily cleanable, and can be regularly sanitized.

29 (ii) The area within the swimming pool water that is used for

1 serving, preparing, or consuming food or beverages is constructed
2 in a manner that has no sharp edges, has no open cracks, and has
3 sealed joints.

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

10 (iv) The swimming pool water is equipped with heightened
11 disinfection and filtration standards and maintains increased
12 disinfectant residuals.

13 (v) The swimming pool water is monitored with an electronic
14 chemical control monitoring system.

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

17 (c) The free disinfectant residual levels in the swimming pool
18 water are tested poolside at least 4 times per day when the public
19 swimming pool is open for use.

20 (d) Lifeguard service is provided in the swimming pool
21 enclosure when the public swimming pool is open for use.

22 (e) An individual who holds a certification as a certified
23 pool operator, or an equivalent certification as determined by the
24 department, is readily available when the public swimming pool is
25 open for use to test the swimming pool water and to operate the
26 water treatment equipment of the public swimming pool.

27 (f) The public swimming pool does not contain a slide, diving
28 board, starting block, spray feature, or similar addition in the
29 area of the public swimming pool permitted for the sale and

1 consumption of alcoholic liquor under section 548 of the Michigan
2 liquor control code of 1998, 1998 PA 58, MCL 436.1548. However, the
3 public swimming pool may have a waterfall, or another decorative
4 feature, that is not intended for interaction or contact with an
5 individual using the public swimming pool in the area of the public
6 swimming pool permitted for the sale and consumption of alcoholic
7 liquor under section 548 of the Michigan liquor control code of
8 1998, 1998 PA 58, MCL 436.1548.

9 (2) A person engaged in the operation of a public swimming
10 pool that allows for the consumption of food or beverages in the
11 public swimming pool under this section shall ensure that food and
12 beverages are served in a container made of plastic or another
13 nonbreakable material and that is designed to reduce the chances of
14 spilling the food or beverage in the swimming pool water.

15 (3) As used in this section:

16 (a) "Alcoholic liquor" means that term as defined in section
17 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL
18 436.1105.

19 (b) "Beverages" means alcoholic liquor and nonalcoholic
20 beverages.

21 (c) "Heightened disinfection and filtration standards" means
22 all of the following:

23 (i) A regenerative media filter system or an equivalent filter
24 system. If the swimming pool uses a sand-type filter or a
25 cartridge-type filter, a filter system is considered equivalent
26 under this subparagraph if it requires a reduction in the max flow
27 rate per square foot of filter area.

28 (ii) An accelerated water turnover rate of once every 4 hours
29 or less when the public swimming pool is open for use.

1 (iii) An ultraviolet light secondary disinfection system or an
2 equivalent secondary disinfection system.

3 (iv) Increased inlets to prevent impaired circulation and to
4 increase water circulation due to potential obstructions.

5 (v) Increased number of skimmers or surge weirs to ensure
6 effective surface water skimming.

7 (d) "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 House Bill No. 5984 of the 101st Legislature is enacted into
19 law.