

**PUBLIC HEALTH CODE (EXCERPT)**

**Act 368 of 1978**

**333.12526a Preparation or consumption of food or beverages within swimming pool enclosure; requirements; use of plastic or nonbreakable material; definitions.**

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

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

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

(ii) The area within the swimming pool water that is used for serving, preparing, or consuming food or beverages is constructed in a manner that has no sharp edges, has no open cracks, and has sealed joints.

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

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

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

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

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

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

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

(f) The public swimming pool does not contain a slide, diving board, starting block, spray feature, or similar addition in the area of the public swimming pool permitted for the sale and consumption of alcoholic liquor under section 548 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1548. However, the public swimming pool may have a waterfall, or another decorative feature, that is not intended for interaction or contact with an individual using the public swimming pool in the area of the public swimming pool permitted for the sale and consumption of alcoholic liquor under section 548 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1548.

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

(3) As used in this section:

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

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

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

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

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

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

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

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

(d) "Swimming pool enclosure" means the area containing 1 public swimming pool or, if the area contains

2 or more public swimming pools, the area containing all of the public swimming pools, which area is surrounded by an uninterrupted constructed feature or obstacle that meets all of the following requirements:

- (i) It is used to surround and secure the area.
- (ii) It is intended to deter or effectively prevent unpermitted, uncontrolled, and unfettered access to the area.
- (iii) It is designed to resist climbing and to prevent passage through and under it.

**History:** Add. 2022, Act 99, Imd. Eff. June 14, 2022.

**Popular name:** Act 368