



## SWIM UP BAR LEGISLATION

*Public Act 99 of 2022*

### FREQUENTLY ASKED QUESTIONS

This document is intended to discuss new legislation that was recently passed to allow swim up bars and the consumption of food and alcohol in public pools. These regulations encompass the Food Law, Liquor Control Code, and Pool Construction Code. Regulations are set forth in 2000 PA 92, MCL 289.1101 to 289.8111 of the Food Law; Section 548 of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1548; and specific pool construction and operational requirements as outlined in Public Act 99 of 2022.

- Can any/every public pool now prepare, serve, and allow alcohol in/around the pool?

**No. Alcohol consumption in the pool is subject to Section 548 of the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1548, in addition to specific pool construction and operational requirements as outlined in Public Act 99 of 2022.**

- Can public pool patrons bring their own alcohol to consume in/around the pool?

**No. Patrons may not bring their own alcohol to a pool. Public pool facilities must adhere to the Michigan Liquor Control Code in addition to complying with any requirements set by each facility.**

- Can public pools now prepare and serve food in the swimming pool enclosure and allow food consumption in the pool water?

**No. Food preparation and consumption is subject to the food law, 2000 PA 92, MCL 289.1101 to 289.8111, in addition to specific pool construction and operational requirements as outlined in Public Act 99 of 2022.**

- How can a public pool obtain approval for allowing food/alcohol consumption in the pool?

- **Submit a construction or modification permit application, fee, and detailed plans showing compliance with the requirements in Public Act 99 of 2022 to the Department of Environment, Great Lakes, and Energy (EGLE).**
- **Work with your Local Health Department for food licensing to assure compliance with the Food Law, 2000 PA 92, MCL 289.1101 to 289.8111.**
- **Work with the Michigan Liquor Control for liquor licensing to assure compliance with the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1548.**
- **Assure any other local regulations and requirements are met.**

- Will existing public pools be able to be modified to allow preparing and serving food/alcohol?

**Depending on the existing structural features of the pool and the design of the proposed features, extensive construction may be necessary to comply with the requirements outlined in Public Act 99 of 2022.**

- How do I apply for new pool construction or modification?

**General requirements for establishing a public swimming pool, instructions for obtaining a construction permit for a public swimming pool, and the construction permit application can be found on the EGLE website, [Public Swimming Pools \(Michigan.gov\)](#), under Construction Permits.**

- Who do I contact with additional questions?
  - **Contact the Michigan Liquor Control Commission by phone at 866-813-0011 or via email at [LARA-MLCC-Licensing-Information@Michigan.gov](mailto:LARA-MLCC-Licensing-Information@Michigan.gov).**
  - **Contact your Local Health Department for the Food Law.**
  - **Contact EGLE via email at [EGLE-DWEHD-PublicPoolProgram@Michigan.gov](mailto:EGLE-DWEHD-PublicPoolProgram@Michigan.gov) for pool design, construction, or operating procedures.**
- If I already allow beverages/food in the pool enclosure, do I need to comply with the new Regulations?

**The new regulations are regarding consuming alcohol and food *in* the pool itself. So, if you are already approved for your food/beverage operations and you are only allowing food/beverages to be consumed on the deck area of the enclosure, there are no changes necessary.**

Note: The information in this document is intended to supplement the public swimming pool portions of the Public Health Code, 1978 PA 368, as amended, and the Public Swimming Pool Rules. These comments do not replace or supersede any portion of the Act and Rules. To download a copy of the Public Swimming Pool Act and Rules, please visit the EGLE [Swimming Pool Website](#) (Michigan.gov/EGLEPublicSwimmingPools).

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