

## 2001 ASSEMBLY BILL 873

February 27, 2002 – Introduced by Representatives RICHARDS, SINICKI, CARPENTER, BERCEAU, TURNER, J. LEHMAN and COLON, cosponsored by Senators GROBSCHMIDT, SCHULTZ, BURKE and COWLES. Referred to Committee on Public Health.

1     **AN ACT** *to renumber* 254.46; and *to create* 23.09 (4m), 254.46 (1) and 254.46 (2)  
2             of the statutes; **relating to:** required testing for E. coli or another appropriate  
3             indicator organism and posting of advisories at beaches on the shores of Lake  
4             Michigan and Lake Superior.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the department of health and family services (DHFS) or a local health department must close or restrict swimming, diving, and recreational bathing if a human health hazard exists in any area that is used for those purposes on a body of water and on associated land. (A “human health hazard” is a substance, activity, or condition to which exposure is known to have the potential to cause acute or chronic illness or death.) DHFS or the local health department must also require the posting of the area.

This bill requires that a local health department that has jurisdiction over an area of land that includes part of the western shore of Lake Michigan or part of the southern shore of Lake Superior test the water at public beaches in that area for the presence of E. coli or another appropriate indicator organism in sufficient quantity to constitute a human health hazard. The testing must take place at least three times a week during the period from the last Monday in May (Memorial Day) to the first Monday in September (Labor Day). For beaches located in state parks or state forests on the shore of Lake Michigan or on the shore of Lake Superior, the bill requires that the department of natural resources (DNR) conduct the testing and that, whenever detected levels of E. coli or the other appropriate indicator organism

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exceed the applicable state standard, DNR post an advisory at each beach informing the public of health risks to bathers.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 23.09 (4m) of the statutes is created to read:

2           23.09 **(4m)** E. COLI TESTING. (a) In this subsection, “E. coli” has the meaning  
3 given in s. 254.46 (1).

4           (b) At least 3 times in each week during the period from the last Monday in May  
5 to the first Monday in September annually, the department shall test the water at  
6 each beach on the shore of Lake Michigan or on the shore of Lake Superior that is  
7 located in a state park or a state forest for the presence of E. coli or another  
8 appropriate indicator organism in a quantity that constitutes a human health  
9 hazard. Whenever detected levels of E. coli or the other appropriate indicator  
10 organism exceed this standard, the department shall post an advisory at each beach  
11 informing the public of health risks to bathers.

12           **SECTION 2.** 254.46 of the statutes is renumbered 254.46 (3).

13           **SECTION 3.** 254.46 (1) of the statutes is created to read:

14           254.46 **(1)** In this section, “E. coli” means *Escherichia coli*, a species of bacteria  
15 that, in sufficient numbers, may indicate fecal contamination and increased risk of  
16 disease and gastrointestinal illness.

17           **SECTION 4.** 254.46 (2) of the statutes is created to read:

18           254.46 **(2)** At least 3 times in each week during the period from the last Monday  
19 in May to the first Monday in September annually, a local health department that  
20 has jurisdiction over an area of land that includes part of the shore of Lake Michigan

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1 or part of the shore of Lake Superior shall test the water at all beaches on the shore,  
2 except those that are located in a state forest or state park, that are used by the public  
3 for the presence of E. coli or another appropriate indicator organism in a quantity  
4 that constitutes a human health hazard.

5 (END)