

Representative Kraig Powell proposes the following substitute bill:

HEALTH REGULATION OF GEOTHERMAL

POOLS AND BATHS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: Curtis Oda

LONG TITLE

General Description:

This bill describes the authority of the Department of Health and a local health department to adopt rules and enforce minimum health and safety standards relating to geothermal pools and baths and permits an owner of a member-owned geothermal pool or bath to elect to exempt the geothermal pool or bath from oversight and regulation by the Department of Health or a local health department if the owner posts notice of the exemption.

Highlighted Provisions:

This bill:

- ▶ defines the term member-owned geothermal pool or bath;
- ▶ authorizes the Department of Health to regulate a geothermal pool or bath;
- ▶ permits an owner of a member-owned geothermal pool or bath to elect to exempt the geothermal pool or bath from oversight and regulation by the Department of Health or a local health department if the owner posts notice of the exemption;
- ▶ clarifies that the Department of Health may establish minimum sanitary standards for public swimming pools and public beaches; and
- ▶ makes technical changes.



26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **26-1-30**, as last amended by Laws of Utah 2008, Chapter 339

33 **26-15-2**, as last amended by Laws of Utah 2007, Chapter 25



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **26-1-30** is amended to read:

37 **26-1-30. Powers and duties of department.**

38 (1) The department shall:

39 (a) enter into cooperative agreements with the Department of Environmental Quality to
40 delineate specific responsibilities to assure that assessment and management of risk to human
41 health from the environment are properly administered; and

42 (b) consult with the Department of Environmental Quality and enter into cooperative
43 agreements, as needed, to ensure efficient use of resources and effective response to potential
44 health and safety threats from the environment, and to prevent gaps in protection from potential
45 risks from the environment to specific individuals or population groups.

46 (2) In addition to all other powers and duties of the department, it shall have and
47 exercise the following powers and duties:

48 (a) promote and protect the health and wellness of the people within the state;

49 (b) establish, maintain, and enforce rules necessary or desirable to carry out the
50 provisions and purposes of this title to promote and protect the public health or to prevent
51 disease and illness;

52 (c) investigate and control the causes of epidemic, infectious, communicable, and other
53 diseases affecting the public health;

54 (d) provide for the detection, reporting, prevention, and control of communicable,
55 infectious, acute, chronic, or any other disease or health hazard which the department considers
56 to be dangerous, important, or likely to affect the public health;

57 (e) collect and report information on causes of injury, sickness, death, and disability
58 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
59 the state;

60 (f) collect, prepare, publish, and disseminate information to inform the public
61 concerning the health and wellness of the population, specific hazards, and risks that may affect
62 the health and wellness of the population and specific activities which may promote and protect
63 the health and wellness of the population;

64 (g) establish and operate programs necessary or desirable for the promotion or
65 protection of the public health and the control of disease or which may be necessary to
66 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
67 programs may not be established if adequate programs exist in the private sector;

68 (h) establish, maintain, and enforce isolation and quarantine, and for this purpose only,
69 exercise physical control over property and individuals as the department finds necessary for
70 the protection of the public health;

71 (i) close theaters, schools, and other public places and forbid gatherings of people
72 when necessary to protect the public health;

73 (j) abate nuisances when necessary to eliminate sources of filth and infectious and
74 communicable diseases affecting the public health;

75 (k) make necessary sanitary and health investigations and inspections in cooperation
76 with local health departments as to any matters affecting the public health;

77 (l) establish laboratory services necessary to support public health programs and
78 medical services in the state;

79 (m) establish and enforce standards for laboratory services which are provided by any
80 laboratory in the state when the purpose of the services is to protect the public health;

81 (n) cooperate with the Labor Commission to conduct studies of occupational health
82 hazards and occupational diseases arising in and out of employment in industry, and make
83 recommendations for elimination or reduction of the hazards;

84 (o) cooperate with the local health departments, the Department of Corrections, the
85 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
86 Victim Reparations Board to conduct testing for HIV infection of convicted sexual offenders
87 and any victims of a sexual offense;

88 (p) investigate the cause of maternal and infant mortality;

89 (q) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
90 and drivers of motor vehicles killed in highway accidents be examined for the presence and
91 concentration of alcohol;

92 (r) provide the commissioner of public safety with monthly statistics reflecting the
93 results of the examinations provided for in Subsection (2)(q) and provide safeguards so that
94 information derived from the examinations is not used for a purpose other than the compilation
95 of statistics authorized in this Subsection (2)(r);

96 (s) establish qualifications for individuals permitted to draw blood pursuant to Section
97 41-6a-523, and to issue permits to individuals it finds qualified, which permits may be
98 terminated or revoked by the department;

99 (t) establish a uniform public health program throughout the state which includes
100 continuous service, employment of qualified employees, and a basic program of disease
101 control, vital and health statistics, sanitation, public health nursing, and other preventive health
102 programs necessary or desirable for the protection of public health;

103 (u) adopt rules and enforce minimum sanitary standards for the operation and
104 maintenance of:

105 (i) orphanages;

106 (ii) boarding homes;

107 (iii) summer camps for children;

108 (iv) lodging houses;

109 (v) hotels;

110 (vi) restaurants and all other places where food is handled for commercial purposes,
111 sold, or served to the public;

112 (vii) tourist and trailer camps;

113 (viii) service stations;

114 (ix) public conveyances and stations;

115 (x) public and private schools;

116 (xi) factories;

117 (xii) private sanatoria;

118 (xiii) barber shops;

- 119 (xiv) beauty shops;
- 120 (xv) physicians' offices;
- 121 (xvi) dentists' offices;
- 122 (xvii) workshops;
- 123 (xviii) industrial, labor, or construction camps;
- 124 (xix) recreational resorts and camps;
- 125 (xx) public swimming pools, public baths, and public bathing beaches;
- 126 (xxi) except as provided in Subsection 26-15-2(2)(b), geothermal pools and baths;
- 127 ~~[(xxi)]~~ (xxii) state, county, or municipal institutions, including hospitals and other
- 128 buildings, centers, and places used for public gatherings; and
- 129 ~~[(xxii)]~~ (xxiii) of any other facilities in public buildings and on public grounds;
- 130 (v) conduct health planning for the state;
- 131 (w) monitor the costs of health care in the state and foster price competition in the
- 132 health care delivery system;
- 133 (x) adopt rules for the licensure of health facilities within the state pursuant to Title 26,
- 134 Chapter 21, Health Care Facility Licensing and Inspection Act;
- 135 (y) license the provision of child care;
- 136 (z) accept contributions to and administer the funds contained in the Organ Donation
- 137 Contribution Fund created in Section 26-18b-101; and
- 138 (aa) serve as the collecting agent, on behalf of the state, for the nursing care facility
- 139 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
- 140 and adopt rules for the enforcement and administration of the nursing facility assessment
- 141 consistent with the provisions of Title 26, Chapter 35a.
- 142 Section 2. Section **26-15-2** is amended to read:
- 143 **26-15-2. Minimum rules of sanitation established by department.**
- 144 (1) The department shall establish and enforce, or provide for the enforcement of
- 145 minimum rules of sanitation necessary to protect the public health. Such rules shall include[;
- 146 ~~but not be limited to,]~~ rules necessary for the design, construction, operation, maintenance, or
- 147 expansion of:
- 148 ~~[(1)]~~ (a) restaurants and all places where food or drink is handled, sold or served to the
- 149 public;

- 150 ~~[(2)]~~ (b) public swimming pools;
- 151 ~~[(3)]~~ (c) public baths including saunas, spas, massage parlors, and suntan parlors;
- 152 ~~[(4)]~~ (d) public bathing beaches;
- 153 ~~[(5)]~~ (e) schools which are publicly or privately owned or operated;
- 154 ~~[(6)]~~ (f) recreational resorts, camps, and vehicle parks;
- 155 ~~[(7)]~~ (g) amusement parks and all other centers and places used for public gatherings;
- 156 ~~[(8)]~~ (h) mobile home parks and highway rest stops;
- 157 ~~[(9)]~~ (i) construction or labor camps;
- 158 ~~[(10)]~~ (j) jails, prisons and other places of incarceration or confinement;
- 159 ~~[(11)]~~ (k) hotels and motels;
- 160 ~~[(12)]~~ (l) lodging houses and boarding houses;
- 161 ~~[(13)]~~ (m) service stations;
- 162 ~~[(14)]~~ (n) barbershops and beauty shops;
- 163 ~~[(15)]~~ (o) physician and dentist offices;
- 164 ~~[(16)]~~ (p) public buildings and grounds;
- 165 ~~[(17)]~~ (q) public conveyances and terminals; and
- 166 ~~[(18)]~~ (r) commercial tanning facilities.

167 (2) (a) As used in this Subsection (2), a member-owned geothermal pool or bath is a
168 pool or bath that is:

- 169 (i) owned, maintained, and operated by four or more residential home owners or a
170 homeowner's association;
- 171 (ii) intended for the exclusive use of the homeowners and their nonpaying guests; and
172 (iii) filled with water from a geothermal spring.

173 (b) A member-owned geothermal pool or bath is exempt from oversight or regulation
174 by the department or a local health department if the owner posts notice:

- 175 (i) in a conspicuous place, at the entrance to the geothermal pool or bath;
- 176 (ii) in a conspicuous place, where the notice can be viewed from the geothermal pool
177 or bath;
- 178 (iii) that is clearly legible and printed in at least 200 point type; and
- 179 (iv) that states the following "This geothermal pool or bath is exempt from regulation
180 by the Department of Health or a local health department."

