

13-23-2 Definitions.

As used in this chapter:

- (1) "Consumer" means a purchaser of health spa services for valuable consideration.
- (2) "Division" means the Division of Consumer Protection.
- (3)
 - (a) "Health spa" means any person, partnership, joint venture, corporation, association, or other entity that, for a charge or fee, provides as one of its primary purposes services or facilities that are purported to assist patrons to improve their physical condition or appearance through:
 - (i) aerobic conditioning;
 - (ii) strength training;
 - (iii) fitness training; or
 - (iv) other exercise.
 - (b) "Health spa" includes any establishment designated:
 - (i) as a "health spa";
 - (ii) as a "spa";
 - (iii) as an "exercise gym";
 - (iv) as a "health studio";
 - (v) as a "health club";
 - (vi) as a "personal training facility"; or
 - (vii) with any other similar terms.
 - (c) "Health spa" does not include:
 - (i) any facility operated by a licensed physician at which the physician engages in the practice of medicine;
 - (ii) any facility operated by a hospital, intermediate care facility, or skilled nursing care facility;
 - (iii) any public or private school, college, or university;
 - (iv) any facility owned or operated by the state or its political subdivisions;
 - (v) any facility owned or operated by the United States or its political subdivisions; or
 - (vi) instruction offered by an individual if:
 - (A) the individual offering the instruction does not utilize another individual as an employee or independent contractor; and
 - (B) a patron is not granted the use of a facility containing exercise equipment.
- (4) "Health spa services" means any service provided by a health spa, including athletic facilities, equipment, and instruction.

Amended by Chapter 47, 2006 General Session