

**RESTRICTING REGULATION OF NATURAL
HOT SPRINGS**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Health Code to provide certain exemptions from swimming pool regulations for natural springs.

Highlighted Provisions:

This bill:

- defines terms; and
- exempts geothermal pools and cold springs from certain health department regulations of public swimming pools.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-15-1, as last amended by Chapter 112, Laws of Utah 1991

26-15-2, as enacted by Chapter 126, Laws of Utah 1981

ENACTS:

26-15-2.5, Utah Code Annotated 1953



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

Section 1. Section **26-15-1** is amended to read:

26-15-1. Definitions.

As used in this chapter:

(1) "Cold spring" means a flow-through public pool in which the water:

(a) is derived exclusively from a natural spring; and

(b) does not exceed 50 degrees Fahrenheit.

(2) "Flow-through public pool" means a public pool fed by a continuous supply of water that causes an equal volume of water to overflow to waste.

~~[(1)]~~ (3) "Food handler" means any person working part-time or full-time in a food service establishment who moves food or food containers, prepares, stores, or serves food; comes in contact with any food, utensil, tableware or equipment; or washes the same. The term also includes owners, supervisors, and management persons, and any other person working in a food-service establishment. The term also includes any operator or person employed by one who handles food dispensed through vending machines; or who comes into contact with food contact surfaces or containers, equipment, utensils, or packaging materials used in connection with vending machine operations; or who otherwise services or maintains one or more vending machines.

(4) "Geothermal pool" means a flow-through public pool, which uses geothermal water.

(5) "Geothermal water" means water derived from and heated exclusively from the natural heat energy from the earth.

~~[(2)]~~ (6) "Pest" means a noxious, destructive, or troublesome organism whether plant or animal, when found in and around places of human occupancy, habitation, or use which threatens the public health or well being of the people within the state.

~~[(3)]~~ (7) "Vector" means any organism, such as insects or rodents, that transmits a pathogen that can affect public health.

Section 2. Section **26-15-2** is amended to read:

26-15-2. Minimum rules of sanitation established by department.

The department shall establish and enforce, or provide for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but not be

limited to, rules necessary for the design, construction, operation, maintenance, or expansion of:

(1) restaurants and all places where food or drink is handled, sold or served to the public;

(2) public swimming pools, except as provided in Section 26-15-2.5;

(3) public baths including saunas, spas, massage parlors, and suntan parlors, except as provided in Section 26-15-2.5;

(4) public bathing beaches;

(5) schools which are publicly or privately owned or operated;

(6) recreational resorts, camps, and vehicle parks;

(7) amusement parks and all other centers and places used for public gatherings;

(8) mobile home parks and highway rest stops;

(9) construction or labor camps;

(10) jails, prisons and other places of incarceration or confinement;

(11) hotels and motels;

(12) lodging houses and boarding houses;

(13) service stations;

(14) barbershops and beauty shops;

(15) physician and dentist offices;

(16) public buildings and grounds; and

(17) public conveyances and terminals.

Section 3. Section **26-15-2.5** is enacted to read:

26-15-2.5. Geothermal pool and cold springs exemptions.

(1) This section applies to the department and a local health department created under Title 26A, Local Health Authorities.

(2) Except as provided in Subsection (3), geothermal pools and cold springs are exempt from public swimming pool requirements and public bath requirements related to:

(a) disinfectants and chemical feeders;

(b) acid based chemistry requirements;

(c) recirculation requirements related to:

(i) pumps;

90 (ii) skimmers;
91 (iii) filters;
92 (iv) water disinfection equipment;
93 (v) drains; and
94 (vi) other disinfectant equipment designed to completely recirculate the pool volume of
95 water; and
96 (d) water temperature requirements.
97 (3) The department may apply requirements exempted under Subsection (2), only to
98 the extent necessary to protect the public health, if the department can demonstrate that:
99 (a) (i) the geothermal pool or cold spring has consistently exceeded bacterial levels of
100 200 fecal coliforms per 50 milliliters; and
101 (ii) any requirements of Subsection (2) which the department intends to impose on the
102 geothermal pool are necessary to protect the public health; or
103 (b) (i) the geothermal pool has consistently exceeded a water temperature of 125
104 degrees Fahrenheit; and
105 (ii) any requirements in Subsection (2) which the department intends to impose on the
106 geothermal pool are necessary to protect the public health.
107 (4) A change in ownership or remodeling of the facilities of an existing geothermal
108 pool or cold spring does not change the exemption provided by this section.

Legislative Review Note
as of 11-16-06 8:46 AM

Office of Legislative Research and General Counsel

H.B. 66 - Restricting Regulation of Natural Hot Springs

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments. Any potential savings for affected businesses will depend on the specific business circumstances and exemptions used.

1/10/2007, 2:58:10 PM, Lead Analyst: Greer, W.

Office of the Legislative Fiscal Analyst