

1                                   **HEALTH REGULATION OF GEOTHERMAL**  
2                                   **POOLS AND BATHS**  
3                                   2010 GENERAL SESSION  
4                                   STATE OF UTAH

5                                   **Chief Sponsor: Mark B. Madsen**

6                                   House Sponsor: Curtis Oda

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8 **LONG TITLE**

9 **General Description:**

10                   This bill describes the authority of the Department of Health to adopt rules and enforce  
11 minimum health and safety standards relating to public and ~~§~~→ [quasi-public] member-owned ←~~§~~  
11a geothermal  
12 pools and baths.

13 **Highlighted Provisions:**

14                   This bill:

- 15                   ▶ defines the term ~~§~~→ [quasi-public] member-owned ←~~§~~ geothermal pool and bath;  
16                   ▶ describes the extent to which the Department of Health or a local health department  
17 may regulate or inspect a public or ~~§~~→ [quasi-public] member-owned ←~~§~~ geothermal pool or  
17a bath;  
18                   ▶ clarifies that the department of health may establish minimum sanitary standards for  
19 public swimming pools and public beaches; and  
20                   ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22                   None

23 **Other Special Clauses:**

24                   None

25 **Utah Code Sections Affected:**

26 AMENDS:

27                   **26-1-30**, as last amended by Laws of Utah 2008, Chapter 339



28           **26-15-2**, as last amended by Laws of Utah 2007, Chapter 25



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

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

32           **26-1-30. Powers and duties of department.**

33           (1) The department shall:

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

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

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

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

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

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

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

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

55           (f) collect, prepare, publish, and disseminate information to inform the public  
56 concerning the health and wellness of the population, specific hazards, and risks that may affect  
57 the health and wellness of the population and specific activities which may promote and protect  
58 the health and wellness of the population;

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

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

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

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

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

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

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

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

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

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

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

87 (r) provide the commissioner of public safety with monthly statistics reflecting the  
88 results of the examinations provided for in Subsection (2)(q) and provide safeguards so that  
89 information derived from the examinations is not used for a purpose other than the compilation

90 of statistics authorized in this Subsection (2)(r);

91 (s) establish qualifications for individuals permitted to draw blood pursuant to Section  
92 41-6a-523, and to issue permits to individuals it finds qualified, which permits may be  
93 terminated or revoked by the department;

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

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

100 (i) orphanages;

101 (ii) boarding homes;

102 (iii) summer camps for children;

103 (iv) lodging houses;

104 (v) hotels;

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

107 (vii) tourist and trailer camps;

108 (viii) service stations;

109 (ix) public conveyances and stations;

110 (x) public and private schools;

111 (xi) factories;

112 (xii) private sanatoria;

113 (xiii) barber shops;

114 (xiv) beauty shops;

115 (xv) physicians' offices;

116 (xvi) dentists' offices;

117 (xvii) workshops;

118 (xviii) industrial, labor, or construction camps;

119 (xix) recreational resorts and camps;

120 (xx) public swimming pools, public baths, and public bathing beaches;

121 (xxi) subject to Subsection 26-15-2(2)(a), public geothermal pools and baths;  
 122 (xxii) subject to Subsection 26-15-2(2)(b), ~~§~~→ [quasi-public] member-owned ←~~§~~  
 122a geothermal pools and baths;

123 [~~xxi~~] (xxiii) state, county, or municipal institutions, including hospitals and other  
 124 buildings, centers, and places used for public gatherings; and

125 [~~xxii~~] (xxiv) of any other facilities in public buildings and on public grounds;

126 (v) conduct health planning for the state;

127 (w) monitor the costs of health care in the state and foster price competition in the  
 128 health care delivery system;

129 (x) adopt rules for the licensure of health facilities within the state pursuant to Title 26,  
 130 Chapter 21, Health Care Facility Licensing and Inspection Act;

131 (y) license the provision of child care;

132 (z) accept contributions to and administer the funds contained in the Organ Donation  
 133 Contribution Fund created in Section 26-18b-101; and

134 (aa) serve as the collecting agent, on behalf of the state, for the nursing care facility  
 135 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,  
 136 and adopt rules for the enforcement and administration of the nursing facility assessment  
 137 consistent with the provisions of Title 26, Chapter 35a.

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

139 **26-15-2. Minimum rules of sanitation established by department.**

140 (1) The department shall establish and enforce, or provide for the enforcement of  
 141 minimum rules of sanitation necessary to protect the public health. Such rules shall include[;  
 142 ~~but not be limited to;~~] rules necessary for the design, construction, operation, maintenance, or  
 143 expansion of:

144 [~~1~~] (a) restaurants and all places where food or drink is handled, sold or served to the  
 145 public;

146 [~~2~~] (b) public swimming pools;

147 [~~3~~] (c) public baths including saunas, spas, massage parlors, and suntan parlors;

148 [~~4~~] (d) public bathing beaches;

149 [~~5~~] (e) schools which are publicly or privately owned or operated;

150 [~~6~~] (f) recreational resorts, camps, and vehicle parks;

151 [~~7~~] (g) amusement parks and all other centers and places used for public gatherings;

152 [~~8~~] (h) mobile home parks and highway rest stops;

153 [~~9~~] (i) construction or labor camps;

154 [~~10~~] (j) jails, prisons and other places of incarceration or confinement;

155 [~~11~~] (k) hotels and motels;

156 [~~12~~] (l) lodging houses and boarding houses;

157 [~~13~~] (m) service stations;

158 [~~14~~] (n) barbershops and beauty shops;

159 [~~15~~] (o) physician and dentist offices;

160 [~~16~~] (p) public buildings and grounds;

161 [~~17~~] (q) public conveyances and terminals; and

162 [~~18~~] (r) commercial tanning facilities.

163 (2) (a) As used in this Subsection (2), a ~~§~~→ **[quasi-public] member-owned** ←~~§~~ geothermal

163a pool or bath is a pool

164 or bath that is:

165 (i) owned, maintained, and operated by four or more residential home owners or a

166 homeowner's association;

167 (ii) intended for the exclusive use of the homeowners and their nonpaying guests; and

168 (iii) filled with water from a geothermal spring.

169 (b) In regulating a public geothermal pool or bath, the department ~~§~~→ **or a local health**

169a **department** ←~~§~~ :

170 (i) may only establish and enforce rules that set minimum safety standards for:

171 (A) the initial design and initial construction of a pool or bath; and

172 (B) bacteriological content; and

173 (ii) may not establish or enforce rules relating to:

174 (A) water color, water clarity, or dissolved solids content;

175 (B) the color or contents of, or the presence of deposits in, the structure or lining of the

176 pool or bath; ~~§~~→ **or**

177 — ~~{(C) facilities relating to the use of a pool or bath, including the number of toilets or~~

178 **showers; or}**

179 ~~{(D)}~~ (C) ←~~§~~ the type of water filtration used.

180 (c) In regulating a ~~§~~→ **[quasi-public] member-owned** ←~~§~~ geothermal pool or bath, the

180a department ~~§~~→ **or a local health department** ←~~§~~ :

181 (i) may only establish and enforce rules that require an owner of the pool or bath to:

182 (A) maintain safe bacterial levels;

- 183 (B) test bacterial levels;  
 184 (C) maintain a log of bacterial level tests and results; and  
 185 (D) permit inspection of the log described in Subsection (2)(c)(i)(C), upon request, by  
 186 the department or a local health department; and  
 187 (ii) may not:  
 188 (A) ~~§~~→ except as provided in Subsection (2)(d), ←~~§~~ perform a test of bacterial levels in a  
 188a pool or bath:  
 189 (B) inspect a pool or bath or its appurtenant facilities; or  
 190 (C) establish or enforce rules relating to:  
 191 (I) design, construction, or condition of a pool or bath;  
 192 (II) water color, water clarity, or dissolved solids content;  
 193 (III) the color or contents of, or the presence of deposits in, the structure or lining of the  
 194 pool or bath;  
 195 (IV) facilities relating to the use of a pool or bath, including the number of toilets or  
 196 showers; or  
 197 (V) the type of water filtration used.  
 197a **§→ (d) (i) The department or a local health department may conduct a bacterial test of a**  
 197b **member-owned geothermal pool or bath if the test is requested by a person who, within 15**  
 197c **days before the day on which the request is made:**  
 197d **(A) was present in the pool or bath;**  
 197e **(B) became sick after being present in the pool or bath; and**  
 197f **(C) has reason to believe that the sickness described in Subsection (2)(d)(i)(B) was contracted**  
 197g **from the pool or bath.**  
 197h **(ii) If a test performed under Subsection (2)(d)(i) reveals that the member-owned geothermal**  
 197i **pool or bath poses a health risk, the department or local health department:**  
 197j **(A) shall work with the owners of the pool or bath to assist the owners to restore the pool or**  
 197k **bath to a safe condition; and**  
 197l **(B) may not shut down the pool or bath or take action against an owner of the pool or bath. ←~~§~~**

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**Legislative Review Note**

as of 2-12-10 6:13 AM

Office of Legislative Research and General Counsel

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**S.B. 163 - Health Regulation of Geothermal Pools and Baths - As Amended**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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. Qualifying quasi-public geothermal pools may no longer be required to pay inspection fees.

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