

**Representative Curtis Oda** 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

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**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;
- ▶ describes the extent to which the Department of Health or a local health department may regulate or inspect 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



26           ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**

28           None

29 **Other Special Clauses:**

30           None

31 **Utah Code Sections Affected:**

32 **AMENDS:**

33           **26-1-30**, as last amended by Laws of Utah 2008, Chapter 339

34           **26-15-2**, as last amended by Laws of Utah 2007, Chapter 25



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

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

38           **26-1-30. Powers and duties of department.**

39           (1) The department shall:

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

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

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

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

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

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

55           (d) provide for the detection, reporting, prevention, and control of communicable,  
56 infectious, acute, chronic, or any other disease or health hazard which the department considers

57 to be dangerous, important, or likely to affect the public health;

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

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

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

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

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

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

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

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

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

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

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

88 and any victims of a sexual offense;

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

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

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

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

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

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

106 (i) orphanages;

107 (ii) boarding homes;

108 (iii) summer camps for children;

109 (iv) lodging houses;

110 (v) hotels;

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

113 (vii) tourist and trailer camps;

114 (viii) service stations;

115 (ix) public conveyances and stations;

116 (x) public and private schools;

117 (xi) factories;

118 (xii) private sanatoria;

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

- 150            [~~1~~] (a) restaurants and all places where food or drink is handled, sold or served to the
- 151 public;
- 152            [~~2~~] (b) public swimming pools;
- 153            [~~3~~] (c) public baths including saunas, spas, massage parlors, and suntan parlors;
- 154            [~~4~~] (d) public bathing beaches;
- 155            [~~5~~] (e) schools which are publicly or privately owned or operated;
- 156            [~~6~~] (f) recreational resorts, camps, and vehicle parks;
- 157            [~~7~~] (g) amusement parks and all other centers and places used for public gatherings;
- 158            [~~8~~] (h) mobile home parks and highway rest stops;
- 159            [~~9~~] (i) construction or labor camps;
- 160            [~~10~~] (j) jails, prisons and other places of incarceration or confinement;
- 161            [~~11~~] (k) hotels and motels;
- 162            [~~12~~] (l) lodging houses and boarding houses;
- 163            [~~13~~] (m) service stations;
- 164            [~~14~~] (n) barbershops and beauty shops;
- 165            [~~15~~] (o) physician and dentist offices;
- 166            [~~16~~] (p) public buildings and grounds;
- 167            [~~17~~] (q) public conveyances and terminals; and
- 168            [~~18~~] (r) commercial tanning facilities.

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

171            (i) owned, maintained, and operated by four or more residential home owners or a  
172 homeowner's association;

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

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

175            (b) Except as provided in Subsection (2)(c), in regulating a geothermal pool or bath,  
176 the department or a local health department:

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

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

179            (B) bacteriological content; and

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

- 181 (A) water color, water clarity, or dissolved solids content;  
182 (B) the color or contents of, or the presence of deposits in, the structure or lining of the  
183 pool or bath; or  
184 (C) the type of water filtration used.  
185 (c) A member-owned geothermal pool or bath is exempt from oversight or regulation  
186 by the department or a local health department if the owner posts notice:  
187 (i) in a conspicuous place, at the entrance to the geothermal pool or bath;  
188 (ii) in a conspicuous place, where the notice can be viewed from the geothermal pool  
189 or bath;  
190 (iii) that is clearly legible and printed in at least 200 point type; and  
191 (iv) that states the following "This geothermal pool or bath is exempt from regulation  
192 by the Department of Health or a local health department."