

**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 to adopt rules and enforce minimum health and safety standards relating to public and quasi-public geothermal pools and baths.

Highlighted Provisions:

This bill:

- ▶ defines the term quasi-public geothermal pool and bath;
- ▶ describes the extent to which the Department of Health or a local health department may regulate or inspect a public or quasi-public geothermal pool or bath;
- ▶ clarifies that the department of health may establish minimum sanitary standards for public swimming pools and public beaches; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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 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 geothermal 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:

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;

177 (C) facilities relating to the use of a pool or bath, including the number of toilets or
 178 showers; or

179 (D) the type of water filtration used.

180 (c) In regulating a quasi-public geothermal pool or bath, the 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) perform a test of bacterial levels in a 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.

Legislative Review Note
as of 2-12-10 6:13 AM

Office of Legislative Research and General Counsel

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

Fiscal Note

2010 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. Qualifying quasi-public geothermal pools will no longer be required to pay inspection fees.
