

S.B. 163

HEALTH REGULATION OF GEOTHERMAL POOLS AND BATHS

HOUSE FLOOR AMENDMENTS

AMENDMENT 3

MARCH 9, 2010 3:55 PM

Representative **Kraig Powell** proposes the following amendments:

1. *Page 1, Lines 10 through 17a*

Senate 2nd Reading Amendments

3-2-2010:

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;}~~ permits an owner of a 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.

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;}

▶ permits an owner of a 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;

2. *Page 5, Lines 121 through 126:*

121 (xxi) ~~{subject to Subsection 26-15-2(2)(a), public}~~ except as provided in Subsection
26-15-2(2), 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)}~~ (xxii) state, county, or municipal institutions, including hospitals and other
124 buildings, centers, and places used for public gatherings; and

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

126 (v) conduct health planning for the state;

3. *Page 6, Line 163 through Page 7, Line 197l*

Senate 2nd Reading Amendments

3-2-2010:

163 ~~{ (2) (a) As used in this Subsection (2), a \hat{S} [quasi-public] member-owned $\leftarrow \hat{S}$ 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 \hat{S} or a local health~~
169a ~~department $\leftarrow \hat{S}$:~~
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; \hat{S} 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) $\leftarrow \hat{S}$ the type of water filtration used;~~
180 ~~(c) In regulating a \hat{S} [quasi-public] member-owned $\leftarrow \hat{S}$ geothermal pool or bath, the~~
180a ~~department \hat{S} or a local health department $\leftarrow \hat{S}$:~~
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) \hat{S} except as provided in Subsection (2)(d), $\leftarrow \hat{S}$ 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 ~~(H) water color, water clarity, or dissolved solids content;~~
193 ~~(HI) 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. ←§ }~~

(2) A geothermal pool or bath is exempt from oversight or regulation by the department or a local health department if the owner posts notice:
(a) in a conspicuous place, at the entrance to the geothermal pool or bath;
(b) in a conspicuous place, where the notice can be viewed from the geothermal pool or bath;
(c) that is clearly legible and printed in at least 200 point type; and
(d) that states the following "This geothermal pool or bath is not regulated by the Department of Health or a local health department."