

Ministry of Health

Non-Regulated Public Spas

Summary Sheet

This summary sheet provides basic information only and is not intended to take the place of operator training or legal advice.

What changes have been made to the Public Pools Regulation?

On October 28, 2022, Regulation 565: Public Pools under the *Health Protection and Promotion Act* was amended to exempt from the Regulation public spas (hot tubs) that are operated in conjunction with an individual dwelling unit or suite of a hotel¹ for the exclusive use of its occupants if the required signage is posted.

Beginning October 28, 2022, per the amendments, owner/operators of any exempt hotel spa (i.e., newly and previously exempted) are required to post two (2) caution signs, in conspicuous locations in the spa area; the Public Spa Caution Notice outlined in subsection 19.1 (1) of the Regulation; and a notice to use at your own risk and that the spa is not subject to the Regulation.

What is considered an exempted “public spa”?

1. Public spas that are operated in conjunction with an individual dwelling unit or suite of a hotel for the exclusive use of its occupants. For example, this could include an in-suite hot tub or a hot tub on a private balcony/deck, etc.
2. Public spas that were previously exempted from the Regulation. This includes public spas operated on the premises of a hotel that has fewer than six dwelling units or suites for the use of its guests and their visitors.

¹ For the Purposes of the Regulation “hotel” means a hotel, inn, motel, resort, or other building or premises operated to provide sleeping accommodation for the public (“hôtel”)

What do I need to do if my spa is exempt from the regulation?

Owner/operators will no longer be required to meet the structural and equipment requirements outlined in the Regulation.

Owner/operators of newly exempted public spas will be responsible for ensuring that both the use at your own risk and public spas caution notice are posted in a conspicuous location in the public spa area.

Owner/operators of previously exempted hotel spas will be responsible for continuing to post the use at your own risk signage and that the newly required public spas caution notice is posted in a conspicuous location in the public spa area.

All owner/operators will also continue to be responsible for ensuring that the public spa is operated in a safe manner that protects public health for all users.

While these public spas will no longer be routinely inspected for compliance with the Regulations, Public Health Units will continue to have the authority to follow up on and conduct complaints-based inspections of these public spas for potential health hazards.

It is recommended that owners/operators notify the local public health unit to confirm that the spa falls under the regulatory exemption and discuss the next steps such as purchasing the required signage for the exemption, and where to find more information to ensure your spa is operated safely.

What role does the public health unit have at my facility if my spa is exempt from the regulation?

Public health inspectors may continue to visit your site to inspect other public health facilities that you may have on-site, such as food premises and public pools or public spas that are not exempt. During those inspections public health inspectors

may also confirm that the required signage for the exemption has been posted. Additionally, if there is a complaint regarding the operation of your spa, the public health inspector can investigate the complaint under Section 13 of the Health Protection and Promotion Act, to ensure no health hazards are present and mitigate any public health risks by issuing, for example, a ticket or order.

What is the signage that must be posted to comply with the regulatory exemption?

Owner/operators of any exempt spa (i.e., newly, and previously exempt) are required to post two (2) caution signs, in a conspicuous location in the spa enclosure:

1. The Public Spa Caution Notice outlined in subsection 19.1(1) of the Regulation, indicating:
 - Children under the age of 12 are not allowed in the spa unless supervised by a person who is 16 years of age or older;
 - Pregnant women and persons with known health or medical conditions should consult with a physician before using the spa;
 - Do not use the spa if you have an open sore or rash, or are experiencing nausea, vomiting or diarrhea;
 - Overexposure may cause fainting. 10 to 15 minutes may be excessive or some individuals. Cool down periodically and leave the spa if nausea or dizziness occurs;
 - Enter and exit the spa slowly, to prevent slipping;
 - Do not play or swim near drains or suction devices. Your body, body parts, hair, jewelry, and other objects may become trapped and cause injury or drowning. People with long hair should be especially careful;
 - Do not enter or remain in the spa if a drain cover or suction fitting is loose, broken or missing. Immediately notify the spa operator.
 - No food or beverage except water is permitted within the deck or spa. No glass containers of any kind are permitted within the deck or spa.
2. A notice to use at your own risk and that the spa is not subject to the Regulation.

Where can I learn more about the safe operation of spas?

For information on safely operating a spa, it is recommended that operators contact the local public health unit, visit the [Ministry of Health's website](#) for additional best practice guidance, and take an operator training course which may be available through the local Public Health Unit or a private provider.

More questions about the exemption?

Contact your local [Public Health Unit](#).