

R152. Commerce, Consumer Protection.

R152-23. Health Spa Services Protection Act Rule.

R152-23-1. Purpose.

- (1) The purpose of this rule is to:
- (a) establish the process for:
 - (i) initial registration of a health spa facility;
 - (ii) renewal of a health spa facility registration;
 - (iii) establishing a health spa facility surety exemption;
 - (iv) notifying the division of any change to an applicant's registration information; and
 - (b) aid the division's administration and enforcement of Title 13, Chapter 23, Health Spa Services Protection Act.

R152-23-2. Authority.

This rule is promulgated in accordance with Subsections 13-2-5(1), 13-23-5(1)(a)(iv)(A) through (C), and 13-23-5(1)(h).

R152-23-3. Definitions.

- (1) As used in Subsection 13-23-5(1)(a)(i), "operate" means:
- (a) to offer for sale or advertise a health spa service; or
 - (b) to enter a contract for any health spa service.

R152-23-4. Application for Registration or Renewal of Registration.

- (1) An application for registration or renewal of registration of a health spa facility shall be submitted on a form approved by the division, and include:
- (a) the applicant's:
 - (i) name, and any alternate name that it uses to do business as a health spa facility;
 - (ii) street address;
 - (iii) mailing address;
 - (iv) telephone number, and if applicable, facsimile number;
 - (v) email address;
 - (vi) web address, if it maintains a website;
 - (b) a person designated by the applicant to be its contact person with whom the division will communicate regarding the application, and that person's:
 - (i) name;
 - (ii) street address;
 - (iii) mailing address;
 - (iv) telephone number;
 - (v) email address;
 - (c) the applicant's registered agent for service of process in the state, and the registered agent's:
 - (i) name;
 - (ii) street address;
 - (iii) mailing address; and
 - (iv) telephone number;
 - (d) a copy of any contract:
 - (i) used by the applicant in connection with the sale of a health spa service;
 - (ii) that is drafted in accordance with Title 13, Chapter 23, Health Spa Services Protection Act;
 - (e) the number of unexpired contracts for a health spa service that:
 - (i) designate the health spa facility as a consumer's primary location; or
 - (ii) for a health spa facility's first year of registration, the number of contracts for a health spa service designating the health spa facility as a consumer's primary location the applicant reasonably expects to execute;
 - (f) a copy of the applicant's:
 - (i) bond, letter of credit, or certificate of deposit obtained in accordance with Subsection 13-23-5(2) and on a form approved by the division; or
 - (ii) a surety exemption claim form completed in accordance with Section R152-23-5;
 - (g) a copy of the applicant's liability insurance policy, in accordance with Subsections 13-23-5(1)(g)(i) and (ii);
 - (h) a list of each health spa service or combination of health spa services offered by the applicant at the health spa facility, including the price and duration of each service or combination of services; and
 - (i) the application fee and any applicable late fee.

R152-23-5. Surety Exemption Process.

- (1) A health spa that claims exemption from Subsections 13-23-5(2) through (5) shall submit a claim of exemption in the form approved by the division that shall include:
- (a) the applicant's:
 - (i) name, and any alternate name that it uses to do business as a health spa;

- (ii) street address;
- (iii) mailing address;
- (iv) telephone number, and if applicable, facsimile number; and
- (v) email address;
- (b) a statement that identifies the exemption claimed in accordance with Subsections 13-23-6(1)(a) through (e); and
- (c) any information necessary to prove the health spa qualifies for a claimed exemption, in accordance with Subsection 13-23-6(2).

R152-23-6. Notification of Closure, Relocation, or Change to Information Required by Registration Application.

- (1) A notification made to the division in accordance with Subsection 13-23-5(1)(h) shall be in writing.
- (2) A notification made to the division in accordance with Subsection 13-23-5(7) shall be in writing.

R152-23-7. Contract for Health Spa Services.

A statement made in accordance with Subsection 13-23-3(6)(a) shall be capitalized and in bold text that is no smaller than 12-point size.

KEY: consumer protection, health spas

Date of Last Change: December 30, 2021

Notice of Continuation: November 24, 2021

Authorizing, and Implemented or Interpreted Law: 13-2-5(1); 13-23-5(1)(a)(iv)(A) through (C); 13-23-5(1)(h)