

ASSEMBLY, No. 2141

STATE OF NEW JERSEY

INTRODUCED JUNE 10, 1996

By Assemblymen COTTRELL and MALONE

1 AN ACT concerning hot tub and spa safety and supplementing
2 P.L.1975, c.217 (C.52:27D-119 et seq.) and P.L.1947, c.177
3 (C.26:1A-1 et seq.).

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. For the purposes of this act, "hot tub or spa" means any
9 commercial or public pool having a maximum depth of 48 inches (1.2
10 meters) used in conjunction with high velocity water recirculation
11 systems, utilizing hot, cold, or ambient temperature water, either
12 mineral or nonmineral in nature, which is not emptied after each
13 individual use. It shall include but not be limited to therapeutic pools,
14 whirlpools, and hydrotherapy pools.

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16 2. The Commissioner of Community Affairs, in consultation with
17 the code advisory board, shall adopt a rule or regulation that requires
18 the owner or operator of a hot tub or spa, as defined in section 1 of
19 this act, to provide, in close proximity to the hot tub or spa, a safety
20 switch capable of immediately disconnecting power from the hot tub
21 or spa's motor or motors in order to deactivate its recirculation
22 system. This switch shall be connected to an audible alarm, or an
23 equivalent device approved by the department, which is designed to
24 alert the operator of the facility housing the hot tub or spa to a
25 possible emergency.

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27 3. The State Sanitary Code established by the Public Health
28 Council pursuant to section 1 of P.L.1953, c.165 (C.26:1A-7) shall
29 provide for a safety inspection of any hot tub or spa, as defined in
30 section 1 of P.L. , c. (C.)(now pending before the Legislature
31 as this bill), by the owner or operator thereof, prior to use each
32 day. The code shall specify possible safety hazards, inspection
33 procedures and the items required to be inspected. The findings of the
34 inspection shall be recorded on an inspection report form prepared and
35 distributed by the Department of Health to all facilities housing such
36 hot tubs and spas. The inspection report form shall note any
37 immediate safety hazard and shall be kept on the premises for a

1 minimum of one year. It shall be made available to local and State
2 health authorities and the public, upon request. Upon the discovery of
3 any such hazard, the operator or owner shall prohibit the use of the
4 hot tub or spa until the hazard is abated.

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6 4. This act shall take effect on the first day of the fifth month after
7 enactment and shall apply to units installed before, on and after the
8 effective date of this act. Upon enactment, the commissioners of
9 Community Affairs and Health may take such anticipatory
10 administrative action in advance as shall be necessary for the
11 implementation of this act.

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14 STATEMENT
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16 This bill is prompted by the recent tragic accidental death of a
17 Lakewood teenager who drowned in an athletic club whirlpool
18 following desperate efforts to rescue her, reportedly from the suction
19 force of an underwater pump acting on a broken drain grate.
20 Preliminary investigation suggests that the accident would not have
21 occurred if the plastic drain grate had not collapsed or there had been
22 a nearby power cutoff switch.

23 The bill would require the Commissioner of Community Affairs to
24 adopt a rule or regulation directing owners of commercial or public
25 hot tubs and spas to install a safety cutoff switch in close proximity to
26 the unit and to connect it to an audible alarm that would alert the
27 facility's operator of a possible emergency when the switch is tripped.
28 The bill would also mandate the daily inspection of hot tubs and spas
29 by the operators of such facilities. It would require that inspection
30 forms, designed by the Department of Health, be used to record any
31 immediate health hazards. Should a hazard be discovered, use of the
32 unit would be prohibited until it was repaired. Inspection reports
33 would be retained on the premises and be available to health officials
34 and the public for at least a year.

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39 Requires certain safeguards for the operation of commercial or public
40 hot tubs and spas.