

Ministry of Health

# Guidance for Exempt Public Spas

The following guidance has been developed as a general overview for operators of public spas that are exempt from [Ontario Regulation 565: Public Pools](#) (the “Regulation”) under the *Health Protection and Promotion Act* (HPPA) (herein referred to as “exempt spas”) and as a result are not routinely inspected by the local public health unit. For more information on the exemption please see the Exempt Public Spas [Summary Sheet](#), and [Q&As](#).

This document contains basic information to operate exempt spas in a safe manner and is not intended to take the place of operator training or legal advice.

## Public Health and Safety

Risks associated with exempt spas include injury and drowning related to the physical structure and improper operation of the spa, and waterborne illness related to improperly maintained and contaminated water. Spa operators should ensure these risks to the public are minimized by constructing, operating, and maintaining the exempt spa as recommended by provincial and local public health guidance, professional and manufacturer directions, and spa operator training courses. Though a spa may be exempt from the Regulation, public health units may act to respond to complaints, reports of illness or address health hazards at exempt spas in accordance with the HPPA.

## Operator Training

Operators should connect with a trained professional to ensure the safe operation of their exempt spa. All operators are encouraged to take an operator training course to assist in safely operating and maintaining their exempt spa.

Staff should also be trained in procedures for responding to emergency incidents and fouling pertaining to the exempt spa. This can include contacting emergency services, cleaning and disinfecting procedures after a fouling (such as a [vomiting](#) or [fecal](#) incident), and when to close a spa.

## Structure

To protect guests, the following structural components should be assessed prior to operating, and on a routine basis, as described below.

**Accessibility:** exempt spa should be made inaccessible to unauthorized personnel. This includes when the spa is closed for maintenance.

**Hazards:** spa surfaces, equipment and water should be maintained in a manner to prevent injury or illness to users.

**Lighting:** natural and artificial lighting should ensure all areas of the exempt spa are well-lit and clearly visible outside of the water.

**Anti-slip:** bathers should be able to enter and exit the spa safely (i.e., non-slip surfaces/steps and a secure handrail provided).

**Electrical:** where any component of the spa is powered by electricity, ground fault circuit interrupters should be functioning and tested monthly or more frequently if recommended by the manufacturer.

## Water Quality

Spa water should be monitored frequently to ensure it is effectively disinfected and the water chemistry is balanced for bather comfort and water clarity. Failure to do so can result in waterborne illness or outbreak.

**Visible matter/ water clarity:** water in the exempt spa should be of clarity to see the lowest water outlet drain (bottom of spa) when the spa is in a non-turbulent state. Fresh make-up water, free from contamination, should be added to the spa frequently to help maintain water quality. The amount to add differs based on the usage, size of the spa and water quality. See Appendix A for more information. Consider emptying and filling the spa after each stay. A cover can also assist in reducing debris and dirt from entering the spa.

In the event of a spa fouling, it is recommended to drain, clean, disinfect, and refill the spa. Check the water chemistry to ensure the parameters are balanced before re-opening it for bather use.

**Recirculated water:** water should be continuously recirculated, filtered and treated (including when not in use).

**Water treatment (monitoring and testing):** water should be treated with a disinfectant (e.g., bromine/unstablized chlorine) to ensure effective disinfection and comfort to bathers. Water chemistry should be monitored using an appropriate test kit. See Appendix A for suggested monitoring frequency and chemistry parameters.

## Safety Equipment

Safety equipment can prevent potential injuries and assist in an emergency should one occur.

**Signs:** two (2) signs must be posted as per the Regulation. See Appendix B for more information.

**Phone:** a phone should be near the spa to quickly contact emergency services in the event of an emergency. It should be easy to locate, and the following information should be provided next to the phone: the number to call for emergency services; and the name and address of the spa location.

**First aid kit:** should be close to the exempt spa and easy to access for emergency use. Supplies should be monitored frequently and refilled as needed. The kit should include scissors in the event of hair entanglement. For a list of recommended supplies, please refer to [subsection 20 \(2\) of the Regulation](#).

**Emergency stop:** should be easily accessible within the spa area, labelled, and tested monthly.

**Drains/outlet covers:** all water suction outlets or drains within the exempt spa should be fitted with anti-entrapment coverings or be anti-entrapment by design. It is highly recommended the suction system be equipped with a vacuum relief mechanism or other engineered system, and tested monthly. Speak to an industry expert to ensure appropriate fixtures. Failure to do so could result in a suction hazard that traps bathers below water level leading to drowning or serious injury.

**Water temperature:** the maximum temperature for spa water should be 40 degrees Celsius, for bather safety and comfort.

## Record Keeping

Records of monitoring and maintenance to the spa may assist an operator with liability in the event of an incident occurring at an exempt spa, or during an inspection from the public health unit in the event of a complaint.

Records should be available for one year. See Appendix A for more information.

## Appendix A- Monitoring and Recording

**Recommended Monitoring and Recording Schedule**

Parameter	Range	Minimum Frequency
Alkalinity	80-120ppm	daily
pH	7.2-7.8	daily
Free Available Chlorine / Bromine	5.0 -10.0ppm	daily
ORP	600-900mV	daily
Make-up (fresh) water	15L/bather or 20% volume	daily
Emergency Stop	---	monthly
Vacuum Release Mechanism	---	monthly
Outlet Covers	---	monthly
Ground Fault Circuit Interrupter	---	monthly
Emergencies		Record after occurrence
Equipment Repairs	---	Record regular equipment monitoring and any repairs as needed.

## Appendix B- Signage

In order to be exempt from the Regulation, owner/operators of public spas described in subsection 4.1(2) of the Regulation<sup>1</sup> are required to post the following two (2) caution signs, in accordance with the Regulation:

**1. Public Spa Caution Notice outlined in subsection 19.1(1) of the Regulation:**

- 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.

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<sup>1</sup> The public spas described in subsection 4.1(2) of the Regulation are 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, or a public spa operated in conjunction with an individual dwelling unit or suite of a hotel for the exclusive use of its occupants.

**2. Notice to use at your own risk and that the spa is not subject to the Regulation:**

CAUTION  
USE SPA AT YOUR OWN RISK  
THIS SPA IS NOT SUBJECT TO THE REQUIREMENTS OF ONTARIO REGULATION  
565 (PUBLIC POOLS)