

An Act

ENROLLED HOUSE
BILL NO. 1639

By: Jordan of the House

and

Johnson (Rob) of the Senate

An Act relating to professions and occupations;
amending 59 O.S. 2011, Section 2001, which relates to
the Oklahoma Health Spa Act; modifying definition;
adding exception for certain facility; and providing
an effective date.

SUBJECT: Oklahoma Health Spa Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2011, Section 2001, is
amended to read as follows:

Section 2001. As used in the Oklahoma Health Spa Act:

1. "Administrator" means the Administrator of Consumer Credit
as defined in Section 6-501 of Title 14A of the Oklahoma Statutes;

2. "Business day" means any day except a Sunday or a legal
holiday;

3. "Buyer/Member" means a natural person who enters into a
health spa contract or membership;

4. "Membership agreement" means any agreement between a member
and a health spa for use of health spa services;

5. "Health spa" means and includes any person, firm,
corporation, organization, club or association engaged in a program
of physical exercise, which includes the use of one or more of a

sauna, whirlpool, weight-lifting room, massage, steam room, or exercising machine or device, or exercise rooms, or engaged in the sale of the right or privilege to use exercise equipment or facilities, such as a sauna, whirlpool, weight-lifting room, massage, steam room or exercising machine or device or exercise rooms. The term "health spa" shall not include the following:

- a. bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association, Young Women's Christian Association, or similar organizations whose functions as health spas are only incidental to their overall functions and purposes,
- b. any private club owned and operated by its members,
- c. any organization solely operated for the purpose of teaching a particular form of self-defense such as judo or karate,
- d. any facility owned or operated by the United States,
- e. any facility owned or operated by this state or any of its political subdivisions,
- f. any nonprofit public or private school, college or university, ~~and~~
- g. any facility operated solely for aerobics or toning, and
- h. any facility that only offers month-to-month memberships and does not charge any application, process, cancellation, or other service fees;

6. "Health spa services" means and includes services, privileges, or rights offered for sale or provided by a health spa;

7. "Initiation fee" means a nonrecurring fee charged at or near the beginning of a health spa membership;

8. "Monthly fee" means the total consideration, including but not limited to, equipment or locker rental, credit check, finance, medical and dietary evaluation, class and training fees, and all other similar fees or charges and interest, but excluding any initiation fee, to be paid by a buyer, divided by the total number

of months of health spa service use allowed by the buyer's contract or membership, including months or time periods called "free" or "bonus" months or time periods and such months or time periods which are described in any other terms suggesting that they are provided free of charge, which months or time periods are given or contemplated when the contract or membership is initially executed;

9. "Prepayment" means any amount paid in advance of the maturity of the health spa membership, to include payment in part or in full, accelerated monthly fees or any required down payment or initiation fee;

10. "Program" means any use of a health spa facility for the purpose of physical exercise in a structured or nonstructured environment; and

11. "Presale" means payment of any consideration for services or the use of facilities made prior to the day on which the services or facilities of the health spa are fully open and available for regular use by the members.

SECTION 2. This act shall become effective November 1, 2013.

Passed the House of Representatives the 14th day of February, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 16th day of April, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

