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**PUBLIC HEALTH DIVISION
INFORMATION BULLETIN**

INTERPRETATION MANUAL

LICENSE EXEMPT / PUBLIC POOLS & SPAS

QUESTION:

What is a license-exempt public pool?

BACKGROUND:

There are two categories or types of pools that would not require our regulation for installation or operation; therapy pools, and “fill and drain” pools or tubs.

1. Therapy pools are generally recognized as pools used for therapy under the supervision of a trained therapist. To determine whether therapy is occurring, we need to determine that the treatment is for remediation of an illness or disability. The key is usually whether the treatment is at the direction of someone recognized as practicing medicine (ie. physician, nurse practitioner, physician’s assistant). Our legal counsel has also determined that “watsu” pools and sensory deprivation tanks are not public swimming pools.
2. The “fill and drain” pool requires some common sense. A pool of this type is not expected to hold water between uses. Pool regulation has been developed over more than a century to assure safe water for swimming. The main concern of the public health community is water quality. In a recirculated, filtered and treated pool we can measure the water quality. In a pool that is drained and filled with each use, the water quality changes with each refilling.

INTERPRETATION:

Exemption 1: If a pool is used for the therapy of persons recognized as needing therapy and the pool is directly supervised by a trained therapist, it will be exempted from licensure. Any use by others requires licensure. Water quality and safety requirements should be in compliance with the rules, though we do not license or inspect them.

Exemption 2: The pool is used for watsu therapy only.

Exemption 3: The pool is a sensory deprivation tank.

Exemption 4: A pool that is filled and drained after each use is exempted from swimming pool licensure. The presence of a recirculation system, heater, filter, or disinfectant feeder, is an indication that the intent is to hold the water between uses. A jetted agitation system is permissible. If the tub is in a licensed traveler’s accommodation, standards for cleaning the tub apply as it would for any bathtub. The agitation system requires some special cleaning procedures to remove the biofilm buildup.

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