



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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Division of Public Health

June 30, 2022

MEMORANDUM

TO: Registered Environmental Health Specialists, Program Supervisors, and Managers

FROM: Shane Smith, REHS, Branch Head
Food Protection and Facilities Branch

SUBJECT: **Permitting of Temporary Display Spas**

In 2021, the North Carolina General Assembly passed Session Law 2021-77, which amended G.S. 130A-280 to include “spas operating for display at temporary events” in the definition of public swimming pools. This amendment requires local health departments to permit display spas at temporary events effective, July 1, 2022. The rules for Display Spas at Temporary Events (DSTE) have been incorporated into the Rules Governing Public Swimming Pools, 15A NCAC 18A .2500.

The newly adopted rule, 15A NCAC 18A .2545, requires DSTEs, as defined in Rule .2508, to obtain a permit from the local health department (LHD) prior to operating. The applicant will be required to submit a permit application to the LHD that serves the county in which the temporary event is located at least 15 days before commencing operation of the DSTE. The applicant will be required to pay the permitting fee, established by the LHD, at the time the application is submitted. Permits will be required to be posted and visible to the public during the event. DSTEs will be required to maintain minimum water quality standards, records of water quality measurements, and signage stating the spa is for display only. The permit and inspection checklist form will be posted on our protected forms site and will be available for printing and distribution in the next annual print order. If there is a need for the form prior to posting, please contact your Environmental Health Regional Specialist. The updated rule language for [Rule .2508](#) and [Rule .2545](#) is available and will be included in the updated 15A NCAC 18A .2500 rulebook.

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July 1, 2022

NC DHHS Permitting of Temporary Display Spas – Effective July 1, 2022

The North Carolina General Assembly has passed a new law that will affect anyone temporarily displaying an operational spa or hot tub in our venue. We have prepared this memo to help you understand the requirements of this new permit required by the NC Department of Health and Human Services, impacting shows with display Spas and Hot Tubs operating during temporary events. DHHS Memorandum Link: <https://ehs.dph.ncdhhs.gov/docs/rules/DSTEMemo.pdf>

This amendment requires local health departments to permit display spas at temporary events effective, July 1, 2022. *(Note: While the permit is required as of July 1, 2022, the permit fees are not expected to go into effect until 2023.)*

The local office for our venue is the New Hanover County DHHS, Division of Public Health, Environmental Health Section is located at:
230 Government Center Drive
Suite 140
Wilmington, NC 28403
Phone 910-798-6667
Fax 910-798-7815

Important Facts:

- Each spa/hot tub that will be operationally displayed must have its own permit.
- Permit holders will be required to maintain minimum water quality standards, records of water quality measurements, and signage stating the spa is for display only.
- Permits must be submitted by the client at least 15 days before commencing operation
- Link to permit form: <https://ehs.dph.ncdhhs.gov/docs/rules/DisplaySpaatTemporaryEventPermitChecklistFillable.pdf>
- Permits are required to be posted and visible to the public during the event.

As this may affect our clients and/or their vendors and exhibitors regarding their move-in times and dates we want to assure you have the relevant information with as much notice as possible regarding this new regulation.

Inspection of Display Spa at Temporary Event

Applicant Name: _____

Name of Temporary Event: _____

Address of Temporary Event: _____

Dates of Operation: (Not to exceed 21 consecutive days) _____

Inspection Checklist

1. Chlorine / Bromine (at least 3.0 ppm Cl/4.0 Bromine) (.2535 3(e)) _____ PPM
2. Spa water pH (7.0 to 7.8) (.2535 3(e)): _____
3. ___ Spa closed sign available (.2545 (5)) [Text at least 2 inches in height.]
4. ___ Written records form available (.2545 (6)) [Maintained at least 6 months after event.]
5. ___ Chemical Storage meets rule (.2545 (7)) [Water resistant/covered container inaccessible to public.]
6. ___ Latch/Lock cover available for spa (.2545 (8)) [Prevent public from contacting water when not in use.]

** Requires 100% compliance for permit issuance. Completed form should be folded in half and posted so Display Spa Permit is visible to the public.*

Display Spa Permit

Permission is granted to _____ to operate a display spa as defined in G.S. 130A-280 and 15A NCAC 18A .2500 at the following temporary event:

Signed: _____ REHS#: _____

Authorized Agent, NC DHHS Division of Public Health, Environmental Health Section

Permit valid from – to (dd/mm/yyyy): _____

This permit shall remain posted for the duration of the temporary event in a location visible to the public.

You have a right to a formal appeal of this decision. To pursue a formal appeal, you must file a petition for a contested case hearing with the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27606. To get a copy of a petition form, you may write the Office of Administrative Hearings, call the office at 984-236-1850, or download the form from the OAH web site at <http://www.oah.nc.gov>. The petition for a contested case hearing must be filed in accordance with the provision of G.S. 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B.

If you wish to pursue a formal appeal, you must file the petition form with the Office of Administrative Hearings within 30 days of the date of this letter, as provided in G.S. 150B-23(f). If you file a petition for a contested case hearing with the Office of Administrative Hearings, you are required by law (G.S. 150B-23) to serve a copy of your petition with the Office of General Counsel, NC Department of Health and Human Services, 2001 Mail Service Center, Raleigh, NC 27699-2001. The Registered Agent for the Department of Health and Human Services is Lisa Corbett. (Note: If copy to be 'served/hand delivered' best to use the Adams Building address, 101 Blair Drive)