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**Electronic Health Spa Contracts, Part 2**

As was discussed in October's podcast, it is ok for gyms to use electronic health spa contracts if they so choose. However, we'd like to remind gym owners that the Health Spa provisions of the FBPA require that consumers receive a complete and signed copy of their health spa contract at the execution of the contract. This requirement applies to electronic contracts; consequently, copies of executed health spa contracts cannot be e-mailed to consumers. Doing so is problematic for a number of reasons. For example, if a gym sends a copy of a new contract to a consumer via e-mail, the e-mailed contract may go directly into the spam folder of the member's e-mail. Another concern is internet security: most public e-mail tends to be unsecure, and may be viewed by other parties. Since membership contracts tend to contain confidential member information, they should never be transmitted to a consumer via e-mail.

It's also important that the copies of the electronic contracts provided to consumers contain all of the statutory terms and cancellation provisions of the FBPA. Under no circumstances should a consumer be given copies of a health spa or personal training contract that does not contain the required statutory provisions. Gym owners must be aware that contracts, or copies of contracts, that don't contain these required FBPA provisions are unenforceable. If the original hard copy of your health spa or personal training contract contains all of the required FBPA provisions, and has been approved by OCP, then your gym members should receive an exact copy of that contract. Again, only complete copies of health spa contracts should be provided to consumers at the time and date of execution of the contract.

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