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### Health Spa Contract Cancellation Dates

As all gym owners are aware, Georgia law allows a consumer the right to cancel a gym membership contract within seven business days after signing the contract. This requirement is applicable to gyms that do not engage in the pre-selling of memberships prior to opening. For these facilities, new memberships which are executed after the gym opens for business must reflect a cancellation date of seven business days after the date the contract was signed by the consumer.

For gyms that are approved to pre-sell memberships, the seven-day cancellation period starts on the date upon which the health spa becomes fully operational and available for use. What this means is that pre-sale contracts must never have a cancellation date that is seven business days from the date the contract was *signed*. OCP understands that unforeseen circumstances, such as construction delays and equipment delivery delays, can affect a scheduled pre-sale opening date. In some instances, a facility may not receive a permanent Certificate of Occupancy as planned. These kinds of delays may make it difficult for a gym to identify a specific opening date. Therefore, pre-sale contracts may state that the contract can be canceled within "seven business days of opening for business." Upon opening, the gym would be required to contact each member and to inform them of the specific date by which the contract can be canceled. Please be aware that OCP will require proof that consumers were contacted and were notified of the cancellation date.

Gyms that are approved for pre-selling should make every effort to contact this office within fifteen business days of their scheduled opening date to schedule a final pre-sale inspection. This is particularly important during the holiday season, during which time we are usually inundated with requests for final pre-sale appointments.

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