



STATE OF GEORGIA  
GOVERNOR'S OFFICE OF CONSUMER PROTECTION

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As you know, the Fair Business Practices Act (FBPA) places regulatory oversight of health spas with the Governor's Office of Consumer Protection. Several gym owners have informed us that their fitness facility is not a "Health Spa," and is therefore not subject to the Health Spa provisions of the FBPA. However, our law clearly explains what a Health Spa is. The FBPA defines a "Health spa" as an establishment which provides, as one of its primary purposes, services or facilities which are purported to assist patrons to improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. This includes any establishment designated as a "reducing salon," "health spa," "spa," "exercise gym," "health studio," "health club" or other terms of similar import. This means that the name or designation of a fitness facility is not the significant determinant of whether it falls within the purview of the FBPA's health spa provisions. All fitness facilities are classified by their purpose and the nature of the services that are offered to consumers. For example, a fitness facility that has no equipment but uses other techniques to assist members to improve their physical condition or appearance would still be considered to be a health spa, since its primary purpose falls within the FBPA's definition.

Are all fitness facilities health spas? No. The FBPA stipulates that a health spa does not include any of the following:

(A) Nonprofit organizations;

(B) Facilities, such as physical therapy centers, that are wholly owned and operated by a licensed physician or physicians at which such physician or physicians are engaged in the actual practice of medicine; or

(C) Any such establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

While these exempt organizations are not subject to the health spa provisions of the FBPA, they would still be subject to the general purview of the FPBA regarding unfair and deceptive business practices. If there are any questions on these and other matters, you may contact this office at (404) 656-3789.



- For concise Health Spa compliance updates and information, please follow us on twitter at [www.twitter.com/GOCA2](http://www.twitter.com/GOCA2).