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As a reminder to everyone, the FBPA requires that every health spa contract contain all of the required statutory provisions. There are no circumstances in which a gym should be using a contract that omits any of the required health spa provisions of the FBPA. Be aware that contracts that do not contain all of these clauses are not valid, and are not enforceable under GA law. Contracts that contain all required statutory provisions and have been approved by OCP may be used for both pre-sale and non-pre-sale openings. There are no specific provisions that are unique to pre-sale contracts only.

For health spa contract cancellations, the FBPA states that cancellation requests should be mailed or hand delivered to the gym. Mailed cancellation requests should be sent by registered or certified mail, return receipt requested. Hand delivered cancellation requests should be given to a manager or owner of the establishment. The manager or owner should then provide to the consumer a signed statement which acknowledges the cancellation of the contract. To protect both health spa establishments and consumers, the FBPA discourages verbal cancellation requests of health spa contracts. Similarly, regarding new health spa contracts, the FBPA requires that every contract that is executed must be done so in writing. This means that gyms may not enter into verbal health spa agreements with consumers, even via telephone, since the FBPA requires that consumers be provided with a fully completed copy of the contract **at the time of its execution**. The time of execution of the contract means the time at which the consumer signs the contract, and receives a copy of the signed contract. Please feel free to contact us with any questions on this matter.

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