

Amendment to

**Utah County Health Department
Health Regulations**

REGULATION 2010-01

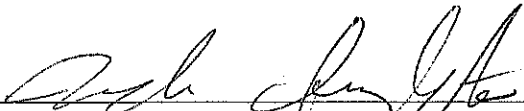
Commercial Tanning Facilities

Amended by the Utah County Board of Health

March 28, 2022

Under Authority of Utah Code 26A-1-121

By 
Eric Edwards, Director, Utah County Health Department

By 
Jordan Singleton, Chair, Utah County Board of Health

**UTAH COUNTY HEALTH DEPARTMENT
REGULATION GOVERNING COMMERCIAL TANNING FACILITIES**

Regulation #2010-01

1.0 Purpose

The purpose of this regulation is for the maintenance and use of ultraviolet tanning devices intended to more fully protect public health and welfare, promote health education, and prevent the spread of disease. This regulation incorporates by reference the Utah Department of Health's "Indoor Tanning Bed Sanitation" rule, R392-700 of the Utah Administrative Code, and adds provisions clarifying the Utah County Health Department's regulatory authority, define administrative procedures, and establish fees to cover health department services.

A. The requirements as found in the Utah Department of Health Indoor Tanning Bed Sanitation rule, R392-700 is incorporated by reference with the following amendments:

2.0 Definitions

- 2.1 **Director:** The Utah County Health Department Director or his/her authorized representative.
- 2.2 **Operator:** Any person who owns, leases, or manages a business operating a tanning facility or his designee.

3.0 Jurisdiction of the Utah County Health Department

- 3.1 Under authority granted in Section 26A-1-114 of the Utah Code Unannotated, 1998, the Utah County Health Department (UCHD) has jurisdiction in promoting and protecting the health and wellness of the public, enforcing state and local laws, investigating causes of disease affecting the public health, operating reasonable health programs for the promotion and protection of public health and control of disease, and in the abatement of nuisances.
- 3.2 Under authority granted in Section 26A-1-114 of the Utah Code Unannotated, 1998, the Utah County Board of Health has the authority and power to adopt rules, regulations, and standards necessary for the promotion of public health, environmental health quality, injury control and the prevention of disease.

4.0 Powers and Duties

The Director shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall:

- 4.1 Require the submission of reports, plans, and specifications for tanning facilities or equipment as necessary to implement the provisions, requirements, and standards of these regulations;
- 4.2 Issue permits and charge fees as necessary to implement the provisions, requirements, and standards of these regulations;
- 4.3 Make inspections of any tanning facility or site and issue orders as necessary to effect the purposes of these regulations;
- 4.5 Take samples and make analyses of any material or require the sampling and analysis of any materials;
- 4.5 Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

5.0 Facility Permits

5.1 No person shall operate a tanning facility without written approval and a corresponding valid operational permit from UCHD.

5.2 Application requirements for approval and permit.

- A. To apply for a permit, a person shall:
 1. Submit a completed application to UCHD on forms provided by UCHD; and
 2. Pay the application fee to UCHD; and
 3. Provide, as part of the application, the following information:
 - 3a. The address and telephone number of the tanning facility;
 - 3b. The name, address, and telephone number of the owner(s) and manager(s);
 - 3c. The number and location of toilets and hand washing facilities;
 - 3d. The hours of operation of the tanning facility;
 - 3e. The number of employees;
 - 3f. The equipment and materials that will be used including the number and type of tanning devices;
 - 3g. The methods of sterilization or sanitizing equipment;
 - 3h. The information to be provided to tanning patrons in accord with

the requirements outlined in R392-700-5; and

3i. Any other information specifically requested by UCHD to ensure compliance with these regulations.

B. Applications shall be made prior to commencement of operation of the tanning facility.

C. UCHD shall be notified, in writing, within 20 calendar days of changes in the information supplied to UCHD as pertains to items 5.2.A.(3) above.

D. Upon approval of the permit application and payment of the required fee, UCHD shall issue a permit.

E. A permit issued under this section expires annually and may be renewed upon application to UCHD, payment of the established renewal fee, and compliance with the requirements of any applicable regulations.

5.3 Permit Fees

A. The fee for each permit shall be paid to UCHD at the time of application. It shall be based upon the reasonable expenses incurred by UCHD to review plans and specifications, conduct inspection(s), and act upon the permit application. The annual fee for a tanning facility shall be set by the Utah County Board of Health.

B. A late fee in addition to the annual permit fee may be charged to individuals who allow their annual permit to expire and subsequently re-apply.

5.4 Permits Nontransferable

A. No permit shall be transferable from one person to another or from one tanning facility to another.

5.5 Denial, suspension, or revocation of permit

A. Causes: Any permit applied for or issued pursuant to these regulations may be denied, suspended, or revoked by the Director for any of the following reasons:

1. Failure of the reports, plans or specifications to show that a tanning facility will be operated or maintained in accordance with the requirements and standards of these rules and regulations adopted by UCHD;

2. Submission of incorrect or false information in the application, reports, plans, or specifications;
3. Failure to operate or maintain the tanning facility in accordance with the application, report, plans, and specifications approved by UCHD;
4. Operation of the tanning facility in a way that causes or creates a nuisance or hazard to the public health, safety, or welfare;
5. Violation of any rules, regulations, restrictions, or requirements adopted by UCHD;
6. Violation of any condition upon which the permit was issued;
7. Failure to pay the permit fee;
8. Failure of the owner or operator of the tanning facility to permit or allow UCHD to conduct inspections during normal business hours to determine compliance with these regulations;

6.0 Enforcement and Penalties

- 6.1 If the Director has inspected any property or tanning facility and has found and determined that the property or tanning facility is in violation of these regulations, or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give written notice of the violation(s) to the operator(s), owner(s), or other responsible person(s) thereof.
- 6.2 Prior to initiating a court complaint for the violation of these rules and regulations, the Director shall issue a notice pursuant to Section R392-700-11 and shall:
 - A. Describe the violation;
 - B. Give a statement of the cause for its issuance;
 - C. Set forth and outline of the remedial action that complies with the provisions of these regulations; and
 - D. Set a reasonable time for the performance of any required remedial act.
- 6.3 It shall be the duty of the Director, upon the presentation of proper credentials, to make inspections of any tanning facility to ensure compliance with these

regulations.

- 6.4 UCHD inspection may be made with the consent of the operator(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.
- 6.5 The operator(s) or other responsible person(s) of any property, upon request, shall receive a report setting forth all facts found that relate to his compliance status.
- 6.6 During said inspection a tanning device may be closed by the posting of a departmental sign upon the device for:
 - A. Cracked, broken, or missing barrier from the bulbs,
 - B. Damaged electrical connection,
 - C. Incompatible bulb use
 - D. Lack of required labels on beds
 - E. Anything found to be associated with the bed that poses an imminent health risk.
- 6.7 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 6.8 The city attorney or the county attorney as appropriate, may initiate legal action civil or criminal, requested by UCHD to abate any condition that exists in violation of these rules and regulations.
- 6.9 In addition to other penalties imposed by the court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by UCHD in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

7.0 Right to Appeal

- 7.1 Within 10 calendar days after UCHD has given a notice of violation(s), or recommended that a permit or certification be denied, suspended or revoked, the aggrieved person(s) may request in writing a hearing before UCHD. The hearing shall take place within 10 calendar days after the request is received. A written notice of the Director's final determination shall be given within 10 calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order.

8.0 Severability

8.1 If any provision, clause, sentence, or paragraph of these rules and regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations. The valid part of any clause, sentence, or paragraph of these regulations shall be given independence from the invalid provisions or application and to the end the provisions of these regulations are hereby declared to be severable.

9.0 Authority and Effective Date

Adoption of this regulation is authorized by Utah Code 26A-1-121. This regulation becomes effective upon approval by the Utah County Board of Health.