DAVIS COUNTY BOARD OF HEALTH

BODY ART REGULATION

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1.0 PURPOSE

The purpose of these regulations is to regulate body art and body art facilities in a manner that will protect the public health, safety and welfare; prevent the spread of disease; and prevent the creation of a nuisance within Davis County.

2.0 SCOPE

2.1 These regulations apply to all commercial body art facilities and operators within the boundaries of Davis County.

2.2 It shall be unlawful for any person to perform body art on another individual except in a duly permitted body art facility and as allowed in section 5.10 of these regulations.

3.0 AUTHORITY AND APPLICABLE LAWS

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Title 26-A Chapter 121 of the Utah Code.

4.0 DEFINITIONS

The following terms used in these regulations shall be defined as follows:

4.1 BODY ART: Body piercing, tattooing, and permanent makeup. This definition does not include, for the purposes of this regulation, ear piercing as defined in section 4.8. This definition also excludes any procedures performed on animals.

4.2 BODY ART FACILITY: Any place or premise, whether public or private, temporary or permanent where body art, whether or not for profit, is performed.

4.3 BODY PIERCING: Any method of puncturing or penetrating the skin of a person for the insertion of jewelry or other adornment.

4.4 BRANDING: Burning the skin with a heated metal wire, iron, rod or stencil with the intent of producing a permanent scar or mark.

4.5 CONTAMINATED WASTE: Any liquid or semi-liquid blood or other potentially infectious materials; as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as Occupational Exposure to Bloodborne Pathogens.

4.6 DEPARTMENT: The Davis County Health Department.

4.7 DIRECTOR: The Director of the Davis County Health Department or an authorized representative.

4.8 EAR PIERCING: The puncturing of the outer ¼ inch perimeter of the ear or lobe of the

ear with a pre-sterilized single-use stud-and-clasp ear-piercing system consistent with the manufacturer's instructions and applicable U.S. Food and Drug Administration requirements.

4.9 EXPOSURE CONTROL PLAN: A written plan, applying to all those who perform body art procedures within a facility, describing how the applicable requirements of these regulations will be implemented.

4.10 INSTRUMENTS: Hand pieces, needles, needle bars, and other devices that may come in contact with a client's body or may be exposed to bodily fluids during body art procedures.

4.11 JEWELRY: Any personal ornament inserted into a pierced area, which must be made of surgical implant grade stainless steel 316LVM ASTM F-138 or ISO 5832-1 compliant, solid 14 karat or 18 karat , nickel free, white or yellow gold, niobium, titanium that is ASTM F-136 or ISO 5832-3 compliant or ASTM F-67 compliant, platinum, fused quartz glass, lead-free borosilicate, lead-free soda-lime glass or approved plastics and which is free of nicks, scratches, or irregular surfaces. All jewelry must be finished in accordance to the ASTM F86-04(2009) Standard Practice for Surface Preparation and Marking of Metallic Surgical Implants.

4.12 MOBILE BODY ART FACILITY: A mobile establishment or unit that is self-propelled or otherwise movable from place to place and operates at a fixed location where body art procedures are conducted for 14 days or less in conjunction with a single event or celebration.

4.13 OPERATOR: Any individual who controls, operates, manages, conducts, or performs body art at a body art facility, mobile body art facility, or temporary body art facility.

4.14 PERMANENT MAKEUP: Permanent makeup is synonymous with cosmetic tattooing and includes the application of permanent eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage using tattooing techniques of placing pigments under the skin.

4.15 SCARIFICATION: Cutting the skin with a sharp instrument with the intent of producing a permanent scar or mark.

4.16 SINGLE USE: Products or items that are intended for one-time use and are disposed of after use on each client.

4.17 SPORE TEST: A spore test is a bacterial endospore test designed to assess whether sterilization has actually occurred. Also known as biological spore test or biological spore monitor.

4.18 STERILIZATION: Sterilization means destruction of all forms of microbial life including bacterial and fungal spores.

4.19 TATTOOING: Any method of placing pigments, dyes or inks into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa.

4.20 TEMPORARY BODY ART FACILITY: A location, place, area, structure or business in conjunction with a single event where BODY ART procedures are conducted for 7 days or less.

4.21 UNIVERSAL PRECAUTIONS: A set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol.38, No. S-6, and as Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone invasive Procedures, in MMWR, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid-contaminated products.

5.0 REGULATION

5.1 Powers and Duties: The Department shall be responsible for the administration of these regulations and any other powers vested in it by law and shall:

5.1.1 Require the submission of plans and specifications for body art facilities as necessary to implement the provisions of these regulations.

5.1.2 Issue such permits and charge such fees as necessary to implement the provisions, requirements, and standards of these regulations.

5.1.3 Make inspections of body art facilities and issue orders necessary to affect the purpose of these regulations.

5.1.4 Take samples and make analyses or tests of pigments, dyes or inks, instruments, sterilizing devices, or require the testing of the same.

5.1.5 Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

5.2 Permit and Renewal

5.2.1 A body art facility shall not operate without a permit from the Department. The Department shall set a reasonable fee for such permits.

5.2.2 The Department may close any body art facility that fails to meet the

requirements of these regulations or operates without a permit.

5.2.3 A permit shall not be transferable from one place or person to another.

5.2.4 A current permit shall be posted in a prominent and conspicuous area in the body art facility where it may be readily observed by clients.

5.2.5 The holder of a body art facility permit shall only hire operators who have complied with the requirements of this regulation.

5.2.6 A permit issued under this section expires annually on December 31st of each year and may be renewed upon application to the Department. Prior to the issuance of a permit, the holder of the permit shall meet the requirements of the permit including payment of the established fee; compliance with the requirements of any applicable regulations; and submittal of a completed application to the Department.

5.2.7 An exposure control plan shall be available upon request to the Department.

5.2.8 Construction and operation of a body art facility shall not be initiated before the Department has reviewed the plans and specifications. No significant modification shall be made to any body art facility or the operation of the body art facility without approval of the Department.

5.2.9 All permits shall be conditioned upon continued compliance with the provisions of the regulation.

5.3 Requirements for Premises

5.3.1 Body art facilities applying for a permit after adoption of this regulation shall submit a drawing and floor plan of the proposed establishment for a plan review by the Department. The Department shall charge a reasonable fee for plan review.

5.3.2 All walls, floors, ceilings, and procedure surfaces of a body art facility shall be smooth, non-porous, and easily cleanable. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client. All body art facilities shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.

5.3.3 At least 50 foot candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas. At least twenty foot candles of artificial light shall be available in all other areas.

5.3.4 Effective measures shall be taken by the operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin and rodents shall not be present in any part of the body art facility.

5.3.5 The body art facility shall have a minimum of 100 square feet of floor space. Each body art facility shall have an area that may be screened from public view for clients requesting privacy. Multiple body art workstations, if not in separate rooms, shall be separated by dividers, curtains, or partitions, and shall be a minimum of 45 square feet.

5.3.6 No animals of any kind shall be allowed in a body art facility, except service animals used by persons with disabilities (e.g.; seeing eye dogs). Fish aquariums may be allowed in waiting rooms and nonprocedural areas.

5.3.7 A separate, readily accessible hand wash sink providing hot and cold running water, under pressure to a mixing type faucet, as well as liquid soap, and disposable paper towels shall be readily accessible within the body art facility. One hand wash sink shall serve no more than three operators. Hand wash sinks shall be used for no other purpose than hand washing. In addition, a restroom facility must be available. A hand wash sink and a toilet must be available inside the restroom. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as liquid soap and paper towels in dispensers.

5.3.8 At least one covered waste receptacle shall be provided in each operator area and in each restroom. Receptacles shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be covered and kept clean.

5.3.9 All instruments and supplies shall be stored in clean, dry and covered containers.

5.3.10 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

5.4 Notification Requirements

5.4.1 The operator upon completion of the procedure shall provide verbal and written instructions, approved by the Department, for the aftercare of the body art procedure site to each client. The written instructions shall contain the name, address, and phone number of the body art facility.

5.4.2 All body art facilities shall prominently display a Disclosure Statement, which advises the public of the risks and possible consequences of body art services, or

shall provide verbal and written information on risks and consequences.

5.4.3 Infections, complications, or diseases that require medical attention resulting from any body art procedure that becomes known to the operator shall be reported to the Department by the operator within 24 hours.

5.4.4 The operator shall require each client to sign a document requesting disclosure of the following conditions:

5.4.4.1 Diabetes;

5.4.4.2 History of hemophilia (bleeding);

5.4.4.3 History of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc;

5.4.4.4 History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;

5.4.4.5 History of epilepsy, seizures, fainting, or narcolepsy;

5.4.4.7 Bloodborne pathogens, including but not limited to, infectious hepatitis and HIV/AIDS;

5.4.4.6 Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.

5.5 Client Records: Each operator shall keep records of all body art procedures administered, including date, identification and location of the body art procedure(s) performed, and operator's name. All client records shall be retained for a minimum of three (3) years and made available to the Department upon request.

5.6 Preparation and Care of the Body Art Area

5.6.1 Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single use blades shall be used. Blades shall be discarded after each use, and reusable holders shall be sterilized after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

5.6.2 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be disposed of immediately after use in appropriate-covered containers.

5.7 Sanitation and Sterilization Procedures

5.7.1 All non-disposable instruments shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's instructions. Instruments shall be placed in an ultrasonic unit also operated in accordance with manufacturer's instructions.

5.7.2 After being cleaned, all non-disposable instruments shall be packed individually in peel-packs and subsequently sterilized. All peel-packs shall contain either a sterilizer indicator, internal temperature indicator or an integrator strip. Peel-packs must be dated with an expiration date not to exceed six months.

5.7.3 All cleaned, non-disposable instruments shall be sterilized in a steam autoclave of Class B or Class S type only. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from workstations or areas frequented by the public. If the body art facility uses only single use, disposable instruments and products, and uses sterile supplies, a sterilizer shall not be required.

5.7.4 Each operator shall demonstrate that the sterilizer used is capable of attaining sterilization with spore tests monthly. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until the Department receives documentation of the sterilizer's ability to destroy spores. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.

5.7.5 All instruments shall, after being sterilized and contained in peel-packs, be stored in a secure dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

5.7.6 All instruments shall remain stored in sterile packages until just prior to the performance of a body art procedure. When handling instruments, the operator shall wear disposable medical gloves and ensure that the instruments and gloves are not contaminated.

5.7.7 All inks, dyes, pigments, and instruments shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

5.7.7.1 Only single-service or individual containers for pigments, dyes or inks shall be used for each individual to be tattooed and the container shall be discarded immediately after completing work on the individual. Any pigment, dye or ink in which a needle(s) has been dipped shall not be used on another individual.

5.7.7.2 Only sterile pigments, dyes, or inks shall be used for tattooing.

5.8 Requirements for Single Use Items

5.8.1 Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors, and other sharps shall be immediately disposed of in approved sharps containers.

5.8.2 All products applied to the skin, including body art stencils, shall be single use and disposable. If the Department approves, acetate stencils shall be allowed for reuse if sanitization procedures are performed between uses. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

5.9 Requirements for Body Piercing Jewelry

5.9.1 Body Piercing Jewelry shall conform to industry standards as outlined in Section 4.11 Jewelry.

5.9.2 Records shall be maintained for 90 days after the sale of the product.

5.10 Body Art Operator Requirements and Professional Standards

5.10.1 The following operator information shall be kept on file on the premises of a body art facility and available for inspection by the Department:

5.10.1.1 Employee information

5.10.1.1.1 Full names and exact duties;

5.10.1.1.2 Date of birth;

5.10.1.1.3 Sex;

5.10.1.1.4 Home address;

5.10.1.1.5 Home/work phone numbers;

5.10.1.1.6 Identification photos of all body art operators.

5.10.1.1.7 Proof of operator(s) attendance at an annual bloodborne pathogen training program (or equivalent) given or approved by the Department.

5.10.1.1.8 Operator's training and/or experience.

5.10.1.2 Establishment information

5.10.1.2.1 Establishment name;

5.10.1.2.2 Hours of operation;

5.10.1.2.3 Owner's name and address.

5.10.1.3 A complete description of all body art procedures performed.

5.10.1.4 An inventory of all instruments and body jewelry, all sharps, and all pigments, dyes and inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.

5.10.1.5 A copy of these regulations.

5.10.2 The body art operator must be a minimum of 18 years of age.

5.10.3 Eating or drinking that may contaminate the work area or equipment is prohibited.

5.10.4 Operators shall refuse service to any individual who, in the opinion of the operator, is under the influence of alcohol or drugs.

5.10.5 The operator shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

5.10.6 In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one individual. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.

5.10.7 If, while performing a body art procedure, the operator's glove is pierced, torn, or otherwise contaminated, the gloves shall be immediately discarded, and the hands washed thoroughly before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be

discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

5.10.8 Contaminated waste must be placed in an approved red bag marked with the International Biohazard Symbol. Sharps ready for disposal shall be disposed of in approved sharps containers. Sharps containers shall meet the requirements as specified in Section 5.12.3 of the Davis County Board of Health Infectious Waste Regulation. Storage of contaminated waste on site shall not exceed 30 days, as specified in 29 CFR Part 1910.1030. Contaminated waste and sharps containers shall be disposed of in accordance to Section 5.9 of the Davis County Board of Health Infectious Waste Regulation. Record of disposal shall be maintained for three (3) years and shall be available for review by the Department.

5.10.9 No operator shall perform any body art procedure upon a minor as defined in, and in accordance with UCA 76-10-2201.

5.10.10 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

5.10.11 The skin of the operator shall be free of rash or infection. No operator affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art facility in any capacity in which there is a likelihood that individual could contaminate the body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

5.10.12 Proof shall be provided upon request of the Department that all operators have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering shall be included as a pre-employment requirement.

5.10.13 All operators shall provide proof of current First Aid and CPR training at the request of the Department.

5.11 Exemptions

5.11.1 The permitting, inspection and facility requirements of this regulation do not apply to medical, cosmetic, or therapeutic procedures performed under the control and direction of a duly licensed physician or surgeon. Notwithstanding the foregoing, the Director may impose this or other regulations and requirements when necessary to protect the public health.

5.11.2 Individuals and facilities that only perform ear piercing as defined in section 4.0 are exempt from these regulations.

5.12 Prohibited Acts

The following acts are expressly prohibited by the Department:

5.12.1 Scarification,

5.12.2 Branding,

5.12.3 Use of biopsy punch,

5.12.4 Suspension piercing,

5.12.5 Practices that are considered medical procedures by a state medical board which include using a knife, razor, or a scalpel,

5.12.6 Any other form of unregulated invasive or extreme body modification which may emerge in the future.

5.12.7 Implantation of objects under the skin.

5.13 Mobile Body Art Facilities: In addition to complying with all of the requirements of this regulation, mobile body art facilities and operators working from a mobile body art facility shall also comply with all of the following requirements:

5.13.1 Mobile body art facilities are permitted for use only at special events, lasting 14 calendar days or less. Permits must be obtained at least 14 days prior to the event, and no body art procedures are to be performed before a permit is issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

5.13.2 Body art performed pursuant to this section shall be done only from an enclosed vehicle or approved structure, such as a trailer or mobile home. No body art procedures shall be performed outside of an enclosed vehicle or approved structure.

5.13.3 The mobile body art facility shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight fitting. Windows, when opened, shall have tight fitting screens.

5.13.4 Mobile body art facilities must have approved sterilization equipment available, in accordance with all requirements of Section 5.7, Sanitation and Sterilization Procedures.

5.13.5 The mobile body art facility shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art work area is separated by walls, floor to ceiling, from culinary or domicile areas.

5.13.6 The mobile body art facility shall be equipped with an instrument washing sink and a separate hand wash sink for the exclusive use of the operator for hand washing and preparing the client for the BODY ART procedures. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art facility at all times during operation. The source of the water and storage (in gallons) of the tank(s) shall also be identified. Tuberculocidal single use hand wipes, approved by the Department, to augment the hand washing requirements of this section, shall be available.

5.13.7 All liquid wastes shall be stored in an adequate storage tank with a capacity at least 50 percent greater than the capacity of the onboard potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.

5.13.8 Restroom facilities must be available within the mobile body art facility or within 300 feet. A hand wash sink must be available inside or next to the restroom cubicle. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as liquid soap and paper towels in dispensers. Restroom doors must be self-closing, and adequate ventilation must be available.

5.13.9 All body art operators working in a mobile body art facility must comply with the operator requirements of this regulation.

5.13.10 Mobile body art facilities must receive an initial inspection at a location specified by the Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art facility is scheduled to operate.

5.13.11 All permits and disclosure notices shall be readily visible to clients.

5.14 Temporary Body Art Facilities: In addition to complying with all of the requirements to this regulation, temporary body art facilities and operators working from a temporary body art facility shall also comply with all of the following requirements.

5.14.1 Temporary body art facilities are permitted for use only at special events, lasting 7 calendar days or less. Permits must be obtained at least 14 days prior to the event. No body art procedure is to be performed before a permit is issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

5.14.2 Body art performed pursuant to this section shall be done only from and approved structure, such as a temporary enclosed booth. No body art

procedures shall be performed outside of an approved structure.

5.14.3 The temporary body art facility shall be maintained in clean and sanitary condition at all times. The floors and walls or partitions shall be and cleanable and or disposable. No grass or dirt floors will be allowed. The event location for temporary events shall be indoors.

5.14.4 Temporary body art facilities must have approved sterilization equipment available, in accordance with all requirements of Section 5.7, Sanitation and Sterilization Procedures.

5.14.5 The temporary body art facility shall be used for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the booth.

5.14.6 The temporary body art facility event's sponsor shall provide hand wash sink facilities and either a separate instrument cleaning sink, non disposable equipment shall be placed in a container and returned to the body art facility and cleaned or all equipment shall be disposable. The sinks shall be provided with hot and cold running water into a mixing type faucet. Liquid soap and paper towels shall be available at the hand wash sink. Tuberculocidal single use hand wipes, approved by the Department, to augment the hand washing requirements of this section, shall be available.

5.14.7 Restroom facilities must be available within 300 feet of the temporary body art facility. A hand wash sink must be available within or adjacent to the restroom facilities. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as liquid soap and paper towels in the dispenser. Restroom doors must be self-closing and adequate ventilation must be available.

5.14.8 All body art operators working in a temporary body art facility must comply with the operator requirements of this regulation.

5.14.9 Temporary body art facilities must receive an inspection at every event where the temporary body art facility is located.

5.14.10 All permits and disclosure notices shall be readily visible to clients.

5.15 Enforcement

5.15.1 Establishments operating at the time of the enactment of this regulation shall be given 90 days to make application to the Department and comply with these regulations. Establishments that continue to operate without proper permits from the Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.

5.15.2 A representative of the Department shall properly identify him or herself before entering a body art facility to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this regulation.

5.15.3 It is unlawful for any person to interfere with the Department in the performance of its duties.

5.15.4 A copy of the inspection report must be furnished to the permit holder or operator of the body art facility, with the Department retaining possession of the original.

5.15.5 If the Department finds that a permit holder or operator is in violation of this regulation, the Department shall advise the permit holder or operator, in writing, of its finding and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed 30 days.

5.15.6 If the Department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator or by unsafe practices within the body art facility, the Department may do any or all of the following:

5.15.6.1 Issue an order excluding any or all operators from the body art facility who are responsible, or reasonably appear responsible, for the transmission of a communicable disease.

5.15.6.2 Issue an order to immediately suspend the permit until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

5.16 Suspension or Revocation of Permits

5.16.1 Permits issued under the provisions of the regulation may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this regulation.

5.16.2 Whenever a permit holder or operator has failed to comply with any notice issued under the provision of this regulation, the permit holder must be notified in writing that the permit is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder that an opportunity for a hearing will be provided if a written request for a hearing before the director, or his representative, is filed with the Department within ten calendar days.

5.16.3 Any body art facility that has had its permit suspended may, at any time, make application for reinstatement of the permit. Within ten calendar days of receipt of a written request, including a statement signed by the applicant that the conditions causing the suspension have been corrected and submission of the

appropriate re-inspection fees, the Department shall re-inspect the body art facility or evaluate documentation provided by the permit holder. If the applicant is in compliance with the provisions of this regulation, the permit will be reinstated.

5.16.4 For repeated or serious (any regulation infraction that threatens the health of the client or operator) violations of any of the requirements of this regulation or for interference with Department personnel in the performance of their duties, a permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing.

5.16.5 The Department may permanently revoke a permit after five days following service of the notice unless the permit holder files a request for a hearing before the director within the five-day period with the Department.

5.16.6 The hearing shall take place within ten calendar days after the request. A written notice of the director's final determination shall be given within ten calendar days after adjournment of the hearing. The directors may sustain, modify, or reverse the action or order.

6.0 PENALTY

6.1 Any permit holder or operator who is found guilty of violating any of the provisions of these regulations, either by failing to do those acts required herein, or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated. A person found guilty of a subsequent similar violation within two years, is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated.

6.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

6.3 The Davis County Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these regulations.

6.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these regulations shall be liable for all expenses incurred by the Department removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

7.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of these regulations or the application or

circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these 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 this end the provisions of these regulations are herby declared to be severable.

8.0 FEES

8.1 Body Art Permit: $100.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 10th day of May, 2005.

Effective date: 10th day of May, 2005.

Revised and Amended: May 13, 2008.

Revised and Amended: May 8, 2012

Davis County Board of Health

Signed: Brent Petersen
Board Chairman

Attest: Lewis Garrett, MPH
Director of Health