

WEBER-MORGAN HEALTH DEPARTMENT

Regulation for

BODY ART FACILITIES

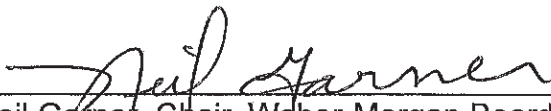
Adopted by the Weber-Morgan Board of Health

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Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

By 
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By 
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**Regulation for
Tattoo and Body Piercing Establishments**

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1.0 Definitions.

The following definitions apply in the interpretation and application of this Regulation.

- 1.1 “**Aftercare Instruction**” shall mean written instruction given to the patron about caring for the body art and surrounding area. Aftercare instruction shall be specific as to the procedure rendered and shall inform the patron regarding normal healing.
- 1.2 “**Antiseptic**” shall mean an agent that destroys or inhibits disease-causing micro-organisms on human skin or mucosa.
- 1.3 “**Body Art**” shall mean the practice of physical body adornment using, but not limited to the following techniques: body piercing, tattooing, and cosmetic tattooing. This definition does not include practices that are considered medical procedures by a state medical board and which are not performed in a Body Art Facility.
- 1.4 “**Body Art Facility**” shall mean a facility, whether public or private, temporary or permanent, used for the practice of tattooing, body piercing and/or the instruction of tattooing and/or body piercing.
- 1.5 “**Bloodborne Pathogen Training**” shall mean training which meets the requirements for OSHA's Bloodborne Pathogens training established by the federal OSHA Bloodborne Pathogens Standard (29 CFR 1910.1030) which prescribes safeguards to protect workers against the health hazards from exposure to blood and other potentially infectious materials, and to reduce their risk from this exposure.
- 1.6 “**Body piercing**” shall mean puncturing or penetrating the skin of a person and inserting jewelry or other adornment in the opening. Body piercing does not, for the purpose of this regulation, include piercing the leading edge or earlobe of the ear with a sterile, disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.
- 1.7 “**Department**” means the Weber-Morgan Health Department, Division of Environmental Health.
- 1.8 “**Director**” means the Director of the Weber-Morgan Health Department or an authorized representative.

- 1.9 **"Infectious Waste"** Shall mean any liquid or semi-liquid blood or other potentially contaminated materials, or contaminated item that would release blood, or other potentially infectious material in a liquid or semi-liquid state if compressed. Items that are caked with dried blood or other potentially infectious materials capable of releasing these materials during handling, including sharps and any other wastes containing blood and other potentially infectious materials as defined in 29 CFR 1910.1030 (latest edition), known as Occupational Exposure of Bloodborne Pathogens.
- 1.10 **"Nuisance"** shall mean an act or condition created by a person who unlawfully commits or omits to perform any duty which either annoys, injures or endangers the comfort, repose, health or safety of any person, or that renders a person insecure in life or the use of property.
- 1.11 **"Operator"** means any person responsible for management or operation of a Body Art Facility or any employee or person performing Body Art.
- 1.12 **"Owner"** means any person who alone or jointly or severally with others:
- (A) has legal title to any premises, Body Art Facility, dwelling or dwelling unit, with or without accompanying actual possession thereof, or
 - (B) has charge, care, or control of any premises, Body Art Facility, dwelling or dwelling unit, as legal or equitable owner, lessee, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.
- 1.13 **"Patron"** shall mean any person who receives a Body Art procedure in a facility
- 1.14 **"Patron Forms"** shall mean documents which operators are required to provide to patrons prior to a Body Art procedure.
- 1.15 **"Person"** means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law.
- 1.16 **"Procedure"** means the act of tattooing or piercing the body.
- 1.17 **"Sterilization"** shall mean the destruction of all living organisms including viruses and spores.

- 1.18 **“Tattoo”** means the process by which indelible marks or decorative designs are created by introducing pigments beneath the surface of the skin through the use of needles. This term includes all forms of cosmetic tattooing.
- 1.19 **“Temporary Body Art Facility”** shall mean a location, place, area, structure, or business where either as a sole service or in conjunction with other services, tattooing or body piercing is performed for seven days or less.
- 1.20 **“Universal Precautions”** shall mean 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 “Recommendation for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis Virus to Patients During Exposure-Prone Invasive Procedures”, (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 items.
- 1.21 **“Workstation”** shall mean a booth, table, or chair where Body Art is performed.

2.0 Purpose.

The purpose of this regulation is the prevention of the transmission of blood-borne pathogens such as, but not limited to, human immunodeficiency virus (HIV) and hepatitis B; to regulate Body Art Facilities and instruction in Body Art in a manner that will protect the public health, safety and welfare; to prevent the spread of disease; to prevent the creation of a nuisance within Weber and Morgan Counties; to require establishments providing Body Art to be registered with the Health Department and comply with certain health and safety standards; and to provide for inspections and fees.

3.0 Jurisdiction of the Department.

All Body Art enumerated in Section 2.0 shall be subject to the direction and control of the Department.

4.0 Powers and Duties.

The Department, through the Director and the Division of Environmental Health, shall be responsible for the administration of these regulations and any other powers vested in it by law and shall:

- 4.1 Require the submission of plans and specifications for Body Art Facilities, as necessary to implement the provisions of these regulations;
- 4.2 Issue such permits and charge permit fees as necessary to implement the provisions, requirements and standards of these regulations;
- 4.3 Make inspections of any Body Art Facility and issue orders necessary to effect the purposes of these regulations;
- 4.4 Take samples and make analyses or tests of pigments, dyes or inks, instruments, or equipment or require the sampling, analysis or testing of the same; and
- 4.5 Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

5.0 Scope.

- 5.1 These regulations apply to all Body Art Facilities, permanent and temporary, and operators within the boundaries of Weber and Morgan counties.
- 5.2 It shall be unlawful for any person to practice or perform Body Art services unless such practice conforms to these regulations.
- 5.3 It shall be unlawful for any person, owner, or operator, not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations.
- 5.4 Nothing in these regulations shall affect any physician or surgeon licensed in the State of Utah, nor do they apply to licensed hospitals or similarly licensed health care facilities.

6.0 Permits Required.

- 6.1 Department approval and permit required. No person shall operate a Body Art establishment without written approval and a corresponding valid permit from the Department.
- 6.2 Notwithstanding 6.1, a person may operate a Temporary Body Art facility

upon obtaining a valid Temporary Body Art Facility Permit from the Department. 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, 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.

- 6.3 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.
- 6.4 Application requirements for a Body Art Facility permit.
 - (A) Application for a permit required in part 6.0 shall be made upon a form provided by the Department.
 - (B) Application for a permit required in part 6.0 shall be made prior to commencement of operation of the Body Art Facility.
 - (C) Permits must be renewed on an annual basis.
- 6.5 Permit fees.
 - (A) The fee for each permit shall be based on the reasonable expenses incurred by the Department to review plans and specifications, conduct inspections, and act upon the permit application. The fee for a Body Art Facility shall be approved by the Weber-Morgan Board of Health. The permit fee may be periodically reviewed by and the amount reset by the Board of Health.
 - (B) No permit fee is refundable for any reason.
 - (C) Failure to renew the permit will result in a late fee being assessed. The late fee will consist of the permit fee being doubled for thirty days overdue, tripled for sixty days overdue, and quadrupled for ninety days overdue.
 - (D) Failure to renew the permit after 90 days is considered operating without a permit and may result in further legal action as allowed by law.
- 6.6 Permits non-transferable. No permit shall be transferable from one establishment, owner or operator to another. An ownership change requires a new permit.

6.7 Denial, suspension, revocation or approval of permit.

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

- (A) Submission of incorrect or false information in the application, reports, plans, or specifications;
- (B) Failure to construct, operate, or maintain the Body Art Facility in accordance with these regulations, or the application, reports, plans, and specifications approved by the Department;
- (C) Operation of the Body Art Facility in a way that causes or creates a nuisance or hazard to the public health, safety, or welfare;
- (D) Violation of any rules and regulations, restrictions, or requirements adopted by the Department;
- (E) Violation of any condition upon which the permit was issued;
- (F) Failure to pay the permit fee;
- (G) Failure of the owner or operator of a Body Art Facility to permit or allow the Department to conduct inspections to determine compliance with these regulations; or
- (H) Failure to report to the Department any incidence of infections and/or injuries to patrons, clients or operators, caused by or associated with Body Art performed at the establishment.

7.0 Plans Required.

7.1 Operation of a Body Art Facility shall not be initiated before plans and specifications have been reviewed by the Department, and no significant modification shall be made in any Body Art Facility or the operation of the Body Art Facility without the approval of the Department.

7.2 Plans and specifications shall be submitted to the Department for review. The plans and specifications shall include the following:

- (A) The name and location of the Body Art Facility;
- (B) The name of the owner(s) and operator(s) and their current home addresses, telephone numbers, and email addresses;
- (C) The number of employees at the Body Art Facility;

- (D) The hours of operation of the Body Art Facility;
- (E) The square footage of the work area(s) and general floor plan of the Body Art Facility;
- (F) A complete description of the equipment, instruments, and materials that will be used;
- (G) A complete description of all Body Art to be conducted;
- (H) A complete description of the sterilization procedures to be used;
- (I) The location and availability of restroom and hand washing facilities; and
- (J) Any other information specifically requested by the Department to ensure compliance with these regulations.

8.0 Facility Construction and Operation Requirements.

Unless otherwise ordered or approved by the Department, each Body Art Facility shall be constructed, operated, and maintained to meet the following minimum requirements:

8.1 Permanent Facility Building Requirements

- (A) The workstation area where Body Art is done shall have an area of not less than 100 square feet of floor space. Multiple workstations, if not in separate rooms, shall be separated by dividers, curtains or partitions, and shall be a minimum of 45 square feet. The walls, floors and ceilings shall have impervious, smooth, and easily cleanable surfaces and shall be clean and in good repair.
- (B) The Body Art Facility shall have a readily accessible handsink providing hot and cold running water, soap and disposable paper towels. The hand-sink shall be properly installed in compliance with applicable law. The hand-sink shall be separate from the restroom hand-sink.
- (C) At least one restroom shall be easily accessible to patrons and Body Art facility employees at all times that the Body Art facility is open for business. Restrooms shall have a hand sink and shall be supplied with hot and cold running water, soap, and disposable paper towels. The use of common towels is prohibited.

- (D) All tables and chairs in the workstation area shall be constructed of easily cleanable material with a smooth, easy to sanitize finish. All tables and chairs shall be clean and in good repair.
- (E) The workstation area shall be separated from waiting customers or observers by a physical barrier of no less than three feet (0.9 meters) in height
- (F) The workstation area shall be lighted to provide at least 30 foot-candles of illumination. Other rooms of the Body Art Facility shall be lighted sufficiently to allow proper cleaning and sanitizing, and at least 20 foot-candles of illumination.
- (G) No owner or operator shall use a Body Art Facility for housing, shelter, or harboring, or permit the same to be used as living or sleeping quarters by employees or other persons.
- (H) No animals of any kind shall be allowed in a Body Art Facility, except service animals used by persons with disabilities. Fish aquariums may be allowed in waiting rooms and nonprocedural areas.
- (I) The Body Art Facility shall have a separate sink with hot and cold water for washing contaminated Body Art equipment
- (J) A smooth, easily cleanable physical barrier shall be placed around the ultrasonic and instrument wash sink to prevent contamination from spreading to the Body Art procedure area.
- (K) A Body Art Facility shall have a covered waste container which is constructed of heavy-grade plastic or metal, and foot pedal operated.
- (L) Linen requirements. All linen used in an establishment, including linen used for a supine table or knee padding, shall be clean and sanitary for each new person to receive a Body Art procedure.

8.2 Temporary Facility Building Requirements.

In addition to complying with all of the requirements of this regulation, Temporary Body Art Facilities and Operators working from a Temporary Body Art Facility shall also comply with all of the following requirements.

- (A) Body Art performed pursuant to this section shall be done only from an approved structure, such as a temporary enclosed booth. No Body Art procedures shall be performed outside of an approved

structure.

- (B) The Temporary Body Art Facility shall be maintained in a clean and sanitary condition at all times. The floors and walls or partitions shall be cleanable and/or disposable. No grass or dirt floors will be allowed.
- (C) Temporary Body Art Facilities must have approved sterilization equipment available and perform Sanitation and Sterilization procedures in accordance with section 8.3 of this regulation.
- (D) No habitation or food preparation is permitted inside the Temporary Body Art Facility.
- (E) The Temporary Body Art Facility event sponsor shall provide hand wash sink facility and 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.
- (F) Restroom facilities must be available within 300 feet of the Temporary Body Art Facility. A hand sink must be available within or adjacent to the restroom facilities and equipped with hot and cold running water, liquid soap and disposable paper towels.
- (G) All Body Art Operators working in a Temporary Body Art Facility must comply with the Operator requirements of this regulation.
- (H) All permits and disclosure notices shall be readily visible to clients.

8.3 Sanitation and Sterilization Procedures.

- (A) Floors, walls, tables, counters, chairs and other surfaces in the Body Art procedure area shall be kept clean, disinfected, and in good repair.
- (B) 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.
- (C) Non-disposable instruments shall be placed in an ultrasonic unit which is operated for a cycle in accordance with manufacturer's

instructions.

- (D) Upon removal from the ultrasonic, all non-disposable instruments used for Body Art shall be rinsed, air dried and packed individually in peel-packs and subsequently sterilized in an autoclave or dry-heat sterilizer. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs shall be dated with an expiration date not to exceed six months from date of sterilization.
- (E) 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.
- (F) Sterilized equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Autoclaves and dry-heat sterilizers shall be located away from workstations or areas frequented by the public.
- (G) The autoclave or dry-heat sterilizer shall be maintained in good operating condition and shall use appropriate indicators every sterilization cycle, and be tested at least monthly to verify proper sterilization. A spore destruction test or other test(s) approved by the Director shall be used. These tests shall be verified through an independent laboratory; the records shall be retained by the operator for period of (3) years and shall be made available to the Department upon request. The autoclave or dry-heat sterilizer shall be subject to periodic and routine inspection by the Department.
- (H) The needles and instruments required to be sterilized shall be used, handled and temporarily placed during a Body Art procedure in a way that they are not contaminated.
- (I) Infectious waste shall be handled, stored, transported, and disposed in accordance with 29 CFR Part 1910.1030 and Weber-Morgan Health Department Infectious Waste regulation.
- (J) The owner shall ensure that the Body Art facility has a bloodborne pathogen spill response plan which applies Universal Precautions as defined in section 1 of this regulation.
- (K) If the Body Art facility uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave or dry-heat sterilizer shall not be required.

8.4 Equipment and Instruments

- (A) All inks, dyes, pigments and instruments shall be sterile, specifically manufactured for performing Body Art procedures, and shall be used according to manufacturer's instructions.
- (B) Only single-service or individual containers of 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.
- (C) The name, content and source of pigments, dyes and inks shall be kept on file at the establishment.
- (D) Only single-service safety razors shall be used to shave the skin of each individual in preparation for Body Art procedures. Each razor shall be discarded into a covered waste container immediately after use.
- (E) All absorbent products used for drying the skin after disinfecting or scrubbing the skin prior to Body Art procedures or during application of dyes or inks shall be clean and sanitary, single-service products and discarded immediately after use into a covered waste container.
- (F) All needles and instruments used for Body Art procedures shall be sterile. All ready-to-use needles and instruments shall be kept in a closed case or cabinet while not in use. The case or cabinet shall be easily cleanable, maintained in good repair, and shall be sanitary at all times.
- (G) Before each use, all stencils and templates to be used in Body Art procedures shall be disinfected by the use of an antiseptic solution approved by the Director. When not in use, the stencils shall be stored in a case or cabinet that is easily cleaned and kept in a clean and sanitary condition at all times.
- (H) Acetate stencils may 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 skin with sterile gauze or in a manner to prevent contamination of the original container and its contents.
- (I) Only implant certified titanium (ASTM F-136), niobium (except

matte finish black), solid 14K (or higher) white or yellow gold, platinum, PTFE Teflon®, or Tygon®, or shall be used in new piercings.

- (J) Gold filled, rolled, or plated jewelry, silver, stainless steel (302, 306 or 400 series), and aluminum materials may not be used in body or ear piercings.

9.0 Operator Requirements and Professional Standards.

Prior to operating or being employed in an establishment a person shall demonstrate to the Department that he/she has the qualifications and knowledge required for the operation of an establishment in a safe, clean and sanitary manner.

- 9.1 All employees or understudies at a Body Art facility shall obtain Bloodborne Pathogen training through an OSHA compliant program. Proof of valid training must be available at the request of the Department.
- 9.2 Students studying Body Art shall be registered with each establishment operator under whom they study. Each student while in the Body Art Facility and while practicing any Body Art shall be under the direct supervision of the operator at all times and shall follow the requirements of these regulations.
- 9.3 It shall be the responsibility of the Body Art Facility owner or operator who has employees or students to verify that all health regulations are observed at all times by his/her employees and students and by others entering onto the premises of the establishment.
- 9.4 No person, while affected with any disease in a communicable form or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area where Body Art is practiced if there is a likelihood of such person contaminating Body Art equipment with pathogenic organisms or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity. If the owner or operator of the Body Art Facility has reason to believe that he or an employee has contracted any disease in a communicable form, excluding colds, or has become a carrier of such disease, the operator shall notify the Department immediately.
- 9.5 In addition to the requirement of Section 9.6(b), the operators shall wash their hands during working hours as often as necessary to remove soil

and contamination and shall thoroughly wash their hands after using the toilet, smoking or eating.

- 9.6 The clothing of all persons engaged in Body Art shall be maintained clean and sanitary.
- 9.7 Neither the operator nor patron shall be under the influence of drugs, alcohol or other intoxicating substances during the Body Art procedure, while sterilizing or handling equipment or instruments, or while in the work area.
- 9.8 The operator shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all business hours. Operators shall not eat, drink, or use tobacco in any form while engaged in Body Art procedures, while sterilizing or handling Body Art equipment or while in the Body Art area. Operators and patrons shall comply with the Utah Indoor Clean Air Act at all times.
- 9.9 The owner(s) or operator(s) of an establishment shall notify the Department in writing of any change in their name(s), address(es) or telephone number(s) or such changes of their employee(s).
- 9.10 Operators performing a Body Art procedure upon a minor must do so in accordance with UCA 76-10-2201.
- 9.11 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. The offering shall be included as a pre-employment requirement.

10.0 Body Art Procedures.

- 10.1 The operators shall wash their hands thoroughly with soap and hot water before starting a procedure. The hands shall be dried with individual, single-use towels or other method approved by the Department. A new pair of disposable examination gloves shall be used for each client.
- 10.2 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.
- 10.3 The area to be tattooed and/or pierced shall first be thoroughly

washed with an antiseptic soap. A sterile, single-use sponge shall be used to scrub the area.

- 10.4 Prior to oral piercing, a patron shall be given a small amount of antimicrobial mouthwash in a disposable cup. The patron should be advised to rinse thoroughly for at least 30 seconds.
- 10.5 If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Used blades shall be immediately discarded in an approved sharps container.
- 10.6 After shaving and before tattooing or piercing is begun a second disinfection procedure using an antiseptic solution shall be applied to the area with a single-use sponge and immediately discarded in a covered container.
- 10.7 Excess dye or ink shall be removed from the skin with a sterile, single-service sponge, towel or tissue paper that is used only once and then immediately discarded into a covered container. After completing work on any person, the operator shall wash the area with sterile gauze saturated with an antiseptic soap solution approved by the Department.
- 10.8 The area shall be allowed to dry and petroleum jelly or antibacterial ointment shall be applied, using sterile gauze. Ointments shall be dispensed and applied on the skin in a manner to prevent contamination of the original container and its contents. A sterile dressing shall then be fastened with adhesive to cover the Body Art area.
- 10.9 The owner or operator of an establishment shall provide each Body Art patron a printed list of instructions explaining the proper care of the skin at the Body Art site for the first few days after the procedure. The aftercare instructions shall contain the name, address and phone number of the facility.
- 10.10 No tattooing or body piercing shall be done on skin surfaces that have any rash, pimple, boil, infection or manifest evidence of any other unhealthy condition.
- 10.11 A local antiseptic spray, cream or gel, intended to deaden the skin to pain, shall only be used if the product is labeled for the specific Body Art procedure. No off label use of products will be allowed.
- 10.12 No procedures shall be used that are accepted by state law as within the exclusive jurisdiction of physicians and other licensed medical personnel.
- 10.13 No styptic pencils, alum blocks, or other solid styptics shall be used to

stop the flow of blood.

10.14 Permanent records of each person tattooed and/or pierced shall be maintained by the establishment owner or operator and shall be readily available for inspection by the Department.

10.15 Before a Body Art procedure begins, the patron shall personally enter on a record or form provided or approved by the Department the following information:

- (A) The date of the Body Art procedure;
- (B) Name, address, and telephone number
- (C) The patron's date of birth as verified from a valid, government issued photo identification.
- (D) Whether the patron has any known allergies to latex, iodine, or other products routinely used in a Body Art procedure.
- (E) Whether the patron has ingested blood thinners such as aspirin or ibuprofen within 24 hours prior to receiving a Body Art procedure.
- (F) Whether the patron has consumed alcohol or other intoxicants within 24 hours prior to receiving a Body Art procedure.
- (G) All infectious or communicable diseases the person has had within the past year, such as, but not necessarily limited to, jaundice or hepatitis as well as any condition that might affect the procedure or healing process such as lupus, diabetes, or hemophilia.
- (H) Signature of patron and/or legal guardian in the case of a minor.
- (I) The patron form shall inform the patron of risks associated with Body Art procedures such as the risk of fainting, vomiting, and infection including bacterial endocarditis for patrons with a heart condition.
- (J) Body Art facility operators shall retain patron forms for a period of at least three years and shall make the patron forms available to the Department upon request.

10.16 Infections.

Any infection or bodily injury resulting from the practice Body Art that becomes known to the establishment owner or operator shall be

Director and the person infected and/or injured shall be referred by the reported immediately by the establishment owner or operator to the Body Art establishment owner or operator to a physician.

11.0 Closing a Body Art Establishment.

11.1 Any Body Art establishment that fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety, or welfare may be closed by the Department;

11.2 Any person, employee, operator, or owner who fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety, or welfare may be prohibited from working in a Body Art establishment.

11.3 The Department shall give notice in writing to the owner or operator of the establishment closed;

11.4 No owner or operator whose Body Art establishment has been closed, shall administer any Body Art procedure to any person or instruct any person Body Art until written approval is received from the Department.

11.5 Notice.

(A) If the Director has inspected any establishment and has found and determined that the establishment 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 notice of the violation(s) to the owner(s) or other responsible person(s) thereof.

(B) Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Director shall issue a notice pursuant to Section 10.1 and shall:

- (1) Describe the property;
- (2) give a statement of the cause for its issuance;
- (3) Set forth an outline of the remedial action that complies with the provisions of these regulations; and
- (4) Set a reasonable time for the performance of any required remedial act.

11.6 Department to serve notice.

The Director shall serve notice upon the owner(s) of the establishment or other responsible person(s) pursuant to Sections 11.5 of these rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways:

- (A) Served in person;
- (B) Sent by certified mail to the last known address of the owner(s) or other responsible person(s); or
- (C) Published in a newspaper of general circulation.

12.0 Enforcement.

12.1 Department to ensure compliance. It shall be the duty of the Director upon the presentation of proper credentials, to make inspections of any property where the establishment is located or will be located as is necessary to ensure compliance with these regulations.

12.2 Inspection made with consent. Department inspections may be made with the consent of the owner(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.

12.3 Owners may request a factual report of inspections. Upon request, the owner(s) or other responsible person(s) of any establishment shall give a report setting forth all facts found that relate to compliance with these regulations.

13.0 Right to Appeal.

Within ten (10) calendar days after the Department has issued a notice of violation, permit denial, warning, suspension, revocation or an establishment is closed, any person(s) aggrieved, may request in writing, a hearing before the Director. The hearing shall take place within ten (10) calendar days after the request is received. A written notice of the Director's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order. In addition to the above hearing any person(s) aggrieved may make an appeal to the Board of Health as specified in the Weber-Morgan Health Department Adjudicative Hearing Procedures.

14.0 Penalty.

- 14.1 Any person who is found guilty of violating any of the provisions of these rules and 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(5)(a)(i), Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor pursuant to Section 26A-1-123(5)(a)(ii), Utah Code Annotated, 1953, as amended.
- 14.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 14.3 The County Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations.
- 14.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expense incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

15.0 Severability.

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 this end the provisions of these regulations are hereby declared to be severable.

16.0 Effective Date.

These rules and regulations shall become effective 15 days after their adoption by the Weber-Morgan Board of Health.