

26 **58-11a-503**, as last amended by Laws of Utah 2013, Chapter 13

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **15A-3-401** is amended to read:

30 **15A-3-401. General provisions.**

31 The following are adopted as amendments to the IMC to be applicable statewide:

32 (1) In IMC, Section 202, the definition for "CONDITIONED SPACE" is deleted and
 33 replaced with the following: "CONDITIONED SPACE. An area, room, or space enclosed
 34 within the building thermal envelope that is directly heated or cooled, or indirectly heated or
 35 cooled by any of the following means:

- 36 1. Openings directly into an adjacent conditioned space.
- 37 2. An un-insulated floor, ceiling or wall adjacent to a conditioned space.
- 38 3. Un-insulated duct, piping or other heat or cooling source within the space."

39 (2) In IMC, Section 403.2.1, Item 3, is deleted and replaced with the following:

40 "Except as provided in Table 403.3, Note h, where mechanical exhaust is required by Note b in
 41 Table 403.3, recirculation of air from such spaces is prohibited. All air supplied to such spaces
 42 shall be exhausted, including any air in excess of that required by Table 403.3."

43 (3) In IMC, Table 403.3, Note b, is deleted and replaced with the following: "Except as
 44 provided in Note h, mechanical exhaust required and the recirculation of air from such spaces
 45 is prohibited (see Section 403.2.1, Item 3)."

46 (4) In IMC, Table 403.3, Note h is deleted and replaced with the following: "1. For a
 47 nail salon where a nail technician files or shapes an acrylic nail, ~~§~~→ as defined by rule by the
 47a Division of Occupational and Professional Licensing, in accordance with Title 63G, Chapter 3,
 47b Utah Administrative Rulemaking Act, ~~←§~~ each nail station where a nail
 48 technician files or shapes an acrylic nail shall be provided with:

49 a. a source capture system capable of filtering and recirculating air to inside space not
 50 less than 50 cfm per station; or

51 b. a source capture system capable of exhausting not less than 50 cfm per station." ~~§~~→ 2.

51a Except as provided in paragraph 3, the requirements described in paragraph 1 apply
 51b beginning on July 1, 2020.

51c 3. The requirements described in paragraph 1 apply beginning on July 1, 2014 if the
 51d nail salon is under or begins new construction or remodeling on or after July 1, 2014. ~~←§~~

52 [(2)] (5) In IMC, Section 403, a new Section 403.8 is added as follows: "Retrospective
 53 effect. Removal, alteration, or abandonment shall not be required, and continued use and

88 (b) the breast of a female patron, except in cases in which the female patron states to a
 89 licensee that the patron requests breast skin procedures and signs a written consent form, which
 90 must also include the witnessed signature of a parent or legal guardian if the patron is a minor,
 91 authorizing the licensee to perform breast skin procedures;

92 (4) using or possessing ~~§~~ → [as a nail technician] ← ~~§~~ a solution composed of at least 10%
 92a methyl
 93 methacrylate on a client;

94 (5) performing an ablative procedure as defined in Section 58-67-102; [or]

95 (6) when acting as an instructor regarding a service requiring licensure under this
 96 chapter, for a class or education program where attendees are not licensed under this chapter,
 97 failing to inform each attendee in writing that:

98 (a) taking the class or program without completing the requirements for licensure under
 99 this chapter is insufficient to certify or qualify the attendee to perform a service for
 100 compensation that requires licensure under this chapter; and

101 (b) the attendee is required to obtain licensure under this chapter before performing the
 102 service for compensation[-]; or

103 (7) failing as a salon or school where nail technology is practiced or taught to maintain
 104 a source capture system required under Section 15A-3-401, including failing to maintain and
 105 clean a source capture system's air filter according to the manufacturer's instructions.

106 Section 3. Section 58-11a-503 is amended to read:

107 **58-11a-503. Penalties.**

108 (1) Unless Subsection (2) applies, an individual who commits an act of unlawful
 109 conduct under Section 58-11a-502 or who fails to comply with a citation issued under this
 110 section after it is final is guilty of a class A misdemeanor.

111 (2) Sexual conduct that violates Section 58-11a-502 and Title 76, Utah Criminal Code,
 112 shall be subject to the applicable penalties in Title 76.

113 (3) Grounds for immediate suspension of a licensee's license by the division include
 114 the issuance of a citation for violation of Subsection 58-11a-502(1), (2), (4), (5), [or] (6), or (7).

115 (4) (a) If upon inspection or investigation, the division concludes that a person has
 116 violated the provisions of Subsection 58-11a-502(1), (2), (4), (5), [or] (6), or (7), or a rule or
 117 order issued with respect to Subsection 58-11a-502(1), (2), (4), (5), [or] (6), or (7), and that
 118 disciplinary action is appropriate, the director or the director's designee from within the