

Representative Melissa G. Ballard proposes the following substitute bill:

SANITATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill imposes additional sanitation requirements on facilities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a local health department to create an informational notice if the local health department does not annually inspect ~~H~~→ **commercial** ←~~H~~ cosmetology facilities;
- ▶ requires a ~~H~~→ **commercial** ←~~H~~ cosmetology facility to post an informational notice in a visible area;
- ▶ authorizes a local health department to impose a fine for a ~~H~~→ **commercial** ←~~H~~ cosmetology facility's failure to comply with the informational notice requirement;
- ▶ requires the Division of Occupational and Professional Licensing to inform licensed individuals of the requirement to post a notice in a ~~H~~→ **commercial** ←~~H~~ cosmetology facility; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **26-15-1**, as last amended by Laws of Utah 2020, Chapter 311

28 **26-15-2**, as last amended by Laws of Utah 2007, Chapter 25

29 ENACTS:

30 **26-15-14**, Utah Code Annotated 1953



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

33 Section 1. Section **26-15-1** is amended to read:

34 **26-15-1. Definitions.**

35 As used in this chapter:

36 (1) "Body art facility" means a facility where an individual practices or instructs:

37 (a) body piercing;

38 (b) tattooing;

39 (c) permanent cosmetics; or

40 (d) microblading.

41 (2) " ~~H~~ **[Cosmetology] Commercial cosmetology** ~~H~~ facility" means a facility where an

41a individual practices or instructs:

42 (a) barbering;

43 (b) cosmetology/barbering;

44 (c) electrology;

45 (d) esthetics;

46 (e) master-level esthetics;

47 (f) hair design; or

48 (g) nail technology.

49 [(+)] (3) (a) "Food handler" means any person working part-time or full-time in a food
50 service establishment who:

51 (i) moves food or food containers, prepares, stores, or serves food;

52 (ii) comes in contact with any food, utensil, tableware or equipment; or

53 (iii) washes the same.

54 (b) "Food handler" includes:

55 (i) owners, supervisors, and management persons, and any other person working in a

56 food-service establishment; or

57 (ii) an operator or person:

58 (A) employed by one who handles food dispensed through vending machines;

59 (B) who comes into contact with food contact surfaces or containers, equipment,
60 utensils, or packaging materials used in connection with vending machine operations; or

61 (C) who otherwise services or maintains one or more vending machines.

62 (c) "Food handler" does not include a producer of food products selling food at a
63 farmers market as defined in Section [4-5-102](#).

64 (4) "Local health department" means the same as that term is defined in Section
65 [26A-1-102](#).

66 ~~[(2)]~~ (5) "Pest" means a noxious, destructive, or troublesome organism whether plant
67 or animal, when found in and around places of human occupancy, habitation, or use which
68 threatens the public health or well being of the people within the state.

69 ~~[(3)]~~ (6) "Vector" means any organism, such as insects or rodents, that transmits a
70 pathogen that can affect public health.

71 Section 2. Section **26-15-2** is amended to read:

72 **26-15-2. Minimum rules of sanitation established by department.**

73 The department shall establish and enforce, or provide for the enforcement of minimum
74 rules of sanitation necessary to protect the public health~~[- Such rules shall include, but not be~~
75 ~~limited to,]~~ including rules necessary for the design, construction, operation, maintenance, or
76 expansion of:

77 (1) ~~[restaurants and all places]~~ a restaurant or a place where food or drink is handled,
78 sold, or served to the public;

79 (2) a public swimming ~~[pools]~~ pool;

80 (3) a public ~~[baths including saunas, spas, massage parlors, and suntan parlors]~~ bath,
81 including a sauna, spa, or massage facility;

82 (4) a public bathing ~~[beaches]~~ beach;

83 (5) ~~[schools which are publicly or privately owned or operated]~~ a public or private
84 school;

85 (6) a recreational ~~[resorts, camps, and vehicle parks]~~ resort, camp, or vehicle park;

86 (7) an amusement ~~[parks and all other centers and places]~~ park or other center or place
87 used for public gatherings;

- 88 (8) a mobile home [~~parks and~~] park or highway rest [~~stops~~] stop;
- 89 (9) a construction or labor [~~camps~~] camp;
- 90 (10) [~~jails, prisons and other places~~] a jail, prison, or other place of incarceration or
91 confinement;
- 92 (11) [~~hotels and motels~~] a hotel or motel;
- 93 (12) [~~lodging houses and boarding houses~~] a lodging house or boarding house;
- 94 (13) [~~service stations~~] a service station;
- 95 (14) [~~barbershops and beauty shops~~] a cosmetology facility;
- 96 (15) [~~physician and dentist offices~~] a physician or dentist office;
- 97 (16) [~~public buildings and grounds~~] a public building or ground;
- 98 (17) [~~public conveyances and terminals; and~~] a public conveyance or terminal;
- 99 (18) a commercial tanning [~~facilities;~~] facility; and
- 100 (19) a body art facility.

101 Section 3. Section **26-15-14** is enacted to read:

102 **26-15-14. Regulation of cosmetology facilities.**

103 (1) As used in this section, "informational notice" means a notice a local health
104 department shall create that contains:

- 105 (a) the local health department's contact information;
- 106 (b) the website containing the administrative rules that regulate a cosmetology facility;
- 107 (c) at least five common sanitary issues a cosmetology facility must address as
108 determined by the local health department; and
- 109 (d) any other information the local health department determines relevant for
110 encouraging sanitary conditions in a cosmetology facility.

111 (2) A cosmetology facility shall:

- 112 (a) obtain an informational notice from the local health department where the
113 cosmetology facility is located; and
- 114 (b) post the informational notice in a location that is readily visible to an individual
115 entering the cosmetology facility.

116 (3) The local health department may impose a fine not exceeding \$500 for a violation
117 of Subsection (2).

118 (4) A local health department shall revise and update the informational notice as

119 needed.

120 (5) Each ~~H~~→ **calendar** ←~~H~~ year the Division of Occupational and Professional Licensing
120a shall provide a

121 notification describing the requirements of Subsection (2) to each individual who:

122 (a) is licensed under Title 58, Chapter 11a, Cosmetology and Associated Professions
123 Licensing Act; ~~H~~→ **[and]** ←~~H~~

124 (b) practices in a county where the local health department does not conduct annual
125 inspections of cosmetology facilities ~~H~~→ [;] ; **and**

125a (c) **has provided the Division of Occupational and Professional Licensing the**
125b **individual's email address.** ←~~H~~

126 (6) The requirements of this section do not apply to a local health department if the
127 local health department inspects at least annually cosmetology facilities located within the local
128 health department's jurisdiction.