

Representative Norman K. Thurston proposes the following substitute bill:

SANITATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd D. Weiler

Cosponsor: Christine F. Watkins

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 commercial cosmetology facilities;
 - ▶ requires a commercial cosmetology facility to post an informational notice in a visible area;
 - ▶ authorizes a local health department to impose a fine for a commercial 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 commercial cosmetology facility;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:



25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **26-15-1**, as last amended by Laws of Utah 2020, Chapter 311

31 **26-15-2**, as last amended by Laws of Utah 2007, Chapter 25

32 ENACTS:

33 **26-15-14**, Utah Code Annotated 1953



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

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

37 **26-15-1. Definitions.**

38 As used in this chapter:

39 (1) "Cosmetology facility" means a commercial facility where an individual practices

40 or instructs:

41 (a) barbering;

42 (b) cosmetology/barbering;

43 (c) electrology;

44 (d) esthetics;

45 (e) master-level esthetics;

46 (f) hair design; or

47 (g) nail technology.

48 ~~(1)~~ (2) (a) "Food handler" means any person working part-time or full-time in a food

49 service establishment who:

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

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

52 (iii) washes the same.

53 (b) "Food handler" includes:

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

55 food-service establishment; or

56 (ii) an operator or person:

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

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

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

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

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

65 ~~[(2)]~~ (4) "Pest" means a noxious, destructive, or troublesome organism whether plant
66 or animal, when found in and around places of human occupancy, habitation, or use which
67 threatens the public health or well being of the people within the state.

68 ~~[(3)]~~ (5) "Vector" means any organism, such as insects or rodents, that transmits a
69 pathogen that can affect public health.

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

71 **26-15-2. Minimum rules of sanitation established by department.**

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

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

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

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

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

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

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

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

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

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

100 **26-15-14. Regulation of cosmetology facilities.**

- 101 (1) As used in this section, "informational notice" means a notice a local health
102 department shall create that contains:
 - 103 (a) the local health department's contact information;
 - 104 (b) the website containing the administrative rules that regulate a cosmetology facility;
 - 105 (c) at least five common sanitary issues a cosmetology facility must address as
106 determined by the local health department; and
 - 107 (d) any other information the local health department determines relevant for
108 encouraging sanitary conditions in a cosmetology facility.
- 109 (2) A cosmetology facility shall:
 - 110 (a) obtain an informational notice from the local health department where the
111 cosmetology facility is located; and
 - 112 (b) post the informational notice in a location that is readily visible to an individual
113 entering the cosmetology facility.
- 114 (3) The local health department may impose a fine not exceeding \$500 for a violation
115 of Subsection (2).
- 116 (4) A local health department shall revise and update the informational notice as
117 needed.

118 (5) Each calendar year the Division of Occupational and Professional Licensing shall
119 provide a notification describing the requirements of Subsection (2) to each individual who:

120 (a) is licensed under Title 58, Chapter 11a, Cosmetology and Associated Professions
121 Licensing Act;

122 (b) practices in a county where the local health department does not conduct annual
123 inspections of cosmetology facilities; and

124 (c) has provided the Division of Occupational and Professional Licensing the
125 individual's email address.

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.