

BODY ART FACILITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ashlee Matthews

Senate Sponsor: Karen Kwan

LONG TITLE

General Description:

This bill enacts provisions related to body art facilities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health and Human Services to promulgate minimum rules of sanitation for body art facilities; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-7-401, as renumbered and amended by Laws of Utah 2023, Chapter 308

26B-7-402, as renumbered and amended by Laws of Utah 2023, Chapter 308

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

Section 1. Section **26B-7-401** is amended to read:

26B-7-401. Definitions.



28 As used in this part:

29 (1) "Agricultural tourism activity" means the same as that term is defined in Section
30 [78B-4-512](#).

31 (2) "Agritourism" means the same as that term is defined in Section [78B-4-512](#).

32 (3) "Agritourism food establishment" means a non-commercial kitchen facility where
33 food is handled, stored, or prepared to be offered for sale on a farm in connection with an
34 agricultural tourism activity.

35 (4) "Agritourism food establishment permit" means a permit issued by a local health
36 department to the operator for the purpose of operating an agritourism food establishment.

37 (5) "Back country food service establishment" means a federal or state licensed back
38 country guiding or outfitting business that:

39 (a) provides food services; and

40 (b) meets department recognized federal or state food service safety regulations for
41 food handlers.

42 (6) "Body art facility" means a facility where an individual practices or instructs:

43 (a) body piercing;

44 (b) branding;

45 (c) permanent cosmetics;

46 (d) scarification; or

47 (e) tattooing.

48 (7) (a) "Body piercing" means any method of piercing the skin or mucosa to place
49 jewelry through the skin or mucosa.

50 (b) "Body piercing" does not include ear piercing.

51 (8) "Branding" means the process in which a mark is burned, with or without heated
52 metal, into human tissue with the intention of leaving a permanent mark.

53 ~~[(6)]~~ (9) "Certified food safety manager" means a manager of a food service
54 establishment who:

55 (a) passes successfully a department-approved examination;

56 (b) successfully completes, every three years, renewal requirements established by
57 department rule consistent with original certification requirements; and

58 (c) submits to the appropriate local health department the documentation required by

59 Section [26B-7-412](#).

60 (10) "Ear piercing" means the puncturing of the lobe of the ear with piercing
61 equipment to insert stud-and-clasp jewelry according to the directions provided by the piercing
62 equipment's manufacturer.

63 [~~7~~] (11) "Farm" means a working farm, ranch, or other commercial agricultural,
64 aquacultural, horticultural, or forestry operation.

65 [~~8~~] (12) "Food" means:

66 (a) a raw, cooked, or processed edible substance, ice, nonalcoholic beverage, or
67 ingredient used or intended for use or for sale, in whole or in part, for human consumption; or

68 (b) chewing gum.

69 [~~9~~] (13) "Food service establishment" means any place or area within a business or
70 organization where potentially hazardous foods, as defined by the department under Section
71 [26B-7-410](#), are prepared and intended for individual portion service and consumption by the
72 general public, whether the consumption is on or off the premises, and whether or not a fee is
73 charged for the food.

74 (14) "Microblading" means a procedure where a hand tool with a blade formed of tiny
75 needles implants permanent or semi-permanent pigment, resembling hair, into the skin of the
76 eyebrow area with fine and short strokes.

77 [~~10~~] (15) (a) "Microenterprise home kitchen" means a non-commercial kitchen
78 facility located in a private home and operated by a resident of the home where ready-to-eat
79 food is handled, stored, prepared, or offered for sale.

80 (b) "Microenterprise home kitchen" does not include:

81 (i) a catering operation;

82 (ii) a cottage food operation;

83 (iii) a food truck;

84 (iv) an agritourism food establishment;

85 (v) a bed and breakfast; or

86 (vi) a residence-based group care facility.

87 [~~11~~] (16) "Microenterprise home kitchen permit" means a permit issued by a local
88 health department to the operator for the purpose of operating a microenterprise home kitchen.

89 (17) (a) "Permanent cosmetics" means a permanent or semi-permanent tattoo:

90 (i) to the eyebrows, eyelids, lips, or other parts of the body for beauty marks, hair
91 imitation, lash enhancement, or areola repigmentation; and

92 (ii) performed by an individual not licensed under Title 58, Chapter 67, Utah Medical
93 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

94 (b) "Permanent cosmetics" includes permanent makeup, micropigmentation,
95 micropigment implantation, microblading, dermagraphics, or cosmetic tattooing.

96 ~~[(12)]~~ (18) "Ready-to-eat" means:

97 (a) raw animal food that is cooked;

98 (b) raw fruits and vegetables that are washed;

99 (c) fruits and vegetables that are cooked for hot holding;

100 (d) a time or temperature control food that is cooked to the temperature and time
101 required for the specific food in accordance with rules made by the department in accordance
102 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

103 (e) a bakery item for which further cooking is not required for food safety.

104 (19) "Scarification" means the process in which a mark is cut into human skin tissue
105 with the intent of leaving a permanent mark.

106 ~~[(13)]~~ (20) "Time or temperature control food" means food that requires time or
107 temperature controls for safety to limit pathogenic microorganism growth or toxin formation.

108 Section 2. Section **26B-7-402** is amended to read:

109 **26B-7-402. Minimum rules of sanitation established by department.**

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

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

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

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

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

120 (5) ~~[schools which are publicly or privately owned or operated]~~ a public or private

121 school;

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

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

126 (8) a mobile home [~~parks and~~] park and highway rest [~~stops~~] stop;

127 (9) a construction or labor [~~camps~~] camp;

128 (10) [~~jails, prisons and other places~~] a jail, prison, or other place of incarceration or
129 confinement;

130 (11) [~~hotels and motels~~] a hotel or motel;

131 (12) [~~lodging houses and boarding houses~~] a lodging house or boarding house;

132 (13) [~~service stations~~] a service station;

133 (14) [~~barbershops and beauty shops~~] a barber shop or beauty shop, including a facility
134 in which one or more individuals are engaged in:

135 (a) any of the practices licensed under Title 58, Chapter 11a, Cosmetology and
136 Associated Professions Licensing Act; or

137 (b) styling hair in accordance with the exemption from licensure described in Section
138 [58-11a-304\(13\)](#);

139 (15) [~~physician and dentist offices~~] a physician or dentist office;

140 (16) [~~public buildings and grounds~~] a public building or ground;

141 (17) [~~public conveyances and terminals; and~~] a public conveyance or terminal;

142 (18) a commercial tanning [~~facilities.~~] facility; and

143 (19) a body art facility.

144 **Section 3. Effective date.**

145 This bill takes effect on May 1, 2024.