



Regulation No. 2008-1

INDOOR TANNING FACILITIES

Adopted by the Bear River Board of Health
Oct 22, 2008

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

REGULATION NO. 2008-1

A REGULATION OF THE BEAR RIVER HEALTH DEPARTMENT FOR INDOOR TANNING FACILITIES

1.0 Authority: This Regulation is promulgated pursuant to the authority established by Utah Code Ann. § 26A-1-101, *et seq.*, (1953), as amended.

2.0 Definitions: For the purpose of this Regulation, the following terms, phrases, and words shall have the following meanings:

2.1 “BRHD” shall mean the Bear River District Health Department.

2.2 All other definitions contained in Utah Administrative Code R392-700, *et seq.*, shall apply to this regulation.

3.0 Permit to Operate

3.1 No person shall operate a Tanning Facility without a valid operating permit from BRHD as required by Utah Code Ann. § 26-15-13.

3.2 Permits are non-transferable.

3.3 The fee for each permit shall be paid to BRHD at the time of application. The annual fee for a Tanning Facility shall be set by the Bear River District Board of Health.

3.4 BRHD shall deny, suspend, or revoke the permit of any Tanning Facility that fails to comply with the requirements of this regulation, and other applicable regulations of BRHD.

4.0 Individual Certification Required

4.1 Every person who is responsible to provide tanning information to the public, request signatures, or operate tanning equipment shall obtain a valid individual tanning certification from BRHD. This certification shall be granted to individuals who have paid the fee established by BRHD, and passed a written examination administered by BRHD. The fee for an individual tanning certification shall be set by the Bear River District Board of Health.

4.2 BRHD shall deny, or revoke the individual tanning certificate of any person that fails to comply with the requirements of this regulation, and other applicable regulations of BRHD.

5.0 Incorporation by Reference: The requirements as found in Utah Rule R392-700, *et seq.*, are adopted and incorporated by reference.

6.0 Enforcement

6.1 It shall be the duty of BRHD to perform inspections, reviews, and other actions necessary to ensure compliance with this regulation.

6.2 BRHD inspections may be made during the Tanning Facility's hours of operation and other reasonable times.

6.3 Closure of bed: During an inspection a Tanning Device may be closed by the posting of a departmental sign upon the device for:

- a) Cracked, broken, or missing barrier from the bulbs,
- b) Damaged electrical connection,
- c) Incompatible bulb use,
- d) Lack of required labels on beds,
- e) Anything found to be associated with the bed that poses an imminent health hazard.

7.0 Right to Appeal

Appeals concerning this regulation are governed by the Bear River District Health Department Appeals Procedures.

8.0 Penalty

8.1 Any person who is found guilty of violating any of the provisions of this regulation, 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, Utah Code Annotated, (1953), as amended. If a person is found guilty of a subsequent similar violation within two years, that person is guilty of a Class A misdemeanor, pursuant to Section 26A-1-123, Utah Code Annotated, (1953), as amended.

8.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

8.3 In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this regulation shall be liable for all expenses incurred by BRHD in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation including attorney's fees and costs and any administrative fees that BRHD may adopt.

- 8.4 Compliance with this regulation is not a defense if charged with any environmental crimes or violation of any local, state, or federal law.
- 8.5 Prosecution under this regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.

9.0 Severability

If any provision, clause, sentence, or paragraph of this regulation 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 this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application and to this end the provisions of this regulation are hereby declared to be severable.

10.0 Effective Date

This regulation shall become effective on October 22, 2008 as adopted by the Bear River District Board of Health.