

**641—46.4(136D) Permits and fees.**

**46.4(1) *Permit to operate.*** No tanning facility may operate without a permit issued by the department.

**46.4(2) *Application requirements for permit.*** Prior to operating a tanning facility, an individual shall:

a. Apply for a permit on forms provided by the department or board of health, along with a nonrefundable application fee of \$5. A \$15 returned check fee will be charged for each check returned for insufficient funds.

b. Notify the department in writing within 30 days of any changes, additions, or deletions to the initial or renewal application as appropriate. This does not include changes involving replacement of components in tanning equipment.

**46.4(3) *Expiration of permit.*** Except as provided in paragraph 46.4(4) “b,” each permit expires at the end of the specified day stated therein.

**46.4(4) *Renewal of permit.***

a. Permits will be renewed annually upon the department’s receipt of a completed renewal application and the \$5 fee.

b. If the completed renewal is submitted prior to expiration of the existing permit, the existing permit does not expire until the application has been finally determined by the department.

c. In addition to any annual fee not paid, tanning facilities incur a \$25 per month fee for failure to pay annual permit fees starting the month of expiration of the facility’s permit.

**46.4(5) *Transfer or termination of permit.*** Permits are nontransferable and must be returned to the department or board of health upon cessation of operation or change of ownership.

**46.4(6) *Denial, revocation, or termination of permit.***

a. The department may deny, suspend, or revoke a permit for any of the following reasons:

(1) Submission of false information to the department, including in a permit application;

(2) Operation of the tanning facility in a manner that causes or threatens hazard to the public health or safety;

(3) Failure to allow authorized representatives of the department or board of health to enter the tanning facility at reasonable times for the purpose of determining compliance with the provisions of this chapter, conditions of the permit, or an order of the department or board of health;

(4) Failure to pay fees in accordance with rule 641—46.4(136D); and

(5) Violation of any of the provisions of this chapter or Iowa Code chapter 136D.

b. Except in cases where public health and safety require otherwise, prior to the institution of proceedings for suspension or revocation of a permit, the department or board of health will notify the permit holder, in writing, of the facts or conduct warranting such action and provide an opportunity for the permit holder to demonstrate or achieve compliance.

c. Any person aggrieved by a decision by the department to deny, suspend, or revoke a permit may request a contested case hearing pursuant to 481—Chapter 9.

d. After suspension or revocation, a permit may be reinstated upon payment of a \$50 fee and completion of all other requirements. This fee is in addition to any other applicable fee.

**46.4(7) *Inspections.***

a. Inspections will be conducted annually at the cost of the permit holder. The cost of an inspection is \$33 per tanning device, up to \$330 per facility maximum. Inspection costs are due upon receipt of notice by the facility. Facilities located within a contracted area of a board of health will be paid to the contracted board of health or its designee. Inspection costs not received within 45 days of the date of billing will be assessed a \$25 per month penalty for each month or fraction thereof that payment is delinquent.

b. A penalty fee of \$25 per facility may be assessed for:

(1) Failure to respond to a notice of violation within 30 days of the date of the inspection.

(2) Failure to correct violations cited during the inspection.

c. Inspections include but are not limited to reviewing proper operation and maintenance of devices, necessary records and training documentation, and operator understanding and competency.

[ARC 7834C, IAB 4/17/24, effective 5/22/24]