

641—46.4(136D) Permits and fees.

46.4(1) Permit to operate. No tanning facility shall be operated in the state without having a permit to operate issued by the department.

46.4(2) Application requirements for permit. Each person acquiring or establishing a tanning facility shall:

a. Apply for a permit prior to beginning operation. The application shall be completed on forms provided by the department or board of health and shall contain all information required by the form and accompanying instructions. A nonrefundable application fee of \$5 shall be remitted with the application.

b. A \$15 returned check fee will be charged for each check returned for insufficient funds.

c. The permit holder shall notify the department in writing within 30 days of any changes, additions, or deletions to the initial or renewal application as appropriate. This request does not apply to changes involving replacement of components in tanning equipment.

46.4(3) Expiration of permit. Except as provided in 46.4(4) “*b*,” each permit shall expire at the end of the specified day in the month and year stated therein.

46.4(4) Renewal of permit.

a. Permits shall be renewed annually upon acceptance of a renewal application provided by the department and upon receipt of the renewal fee of \$5.

b. If application has been filed prior to the expiration date of the existing permit, the existing permit shall not expire until the application status has been finally determined by the department.

c. A \$25 fee will be charged per month for failure to pay annual permit fees starting the month of expiration of the facility’s permit to operate. This fee is added to the annual fee not paid.

46.4(5) Transfer or termination of permit.

a. No permit shall be transferable from one person to another or from one tanning facility to another.

b. A permit shall be returned to the department or board of health if the facility ceases business or otherwise ceases on a permanent basis or changes ownership.

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

a. The department may deny, suspend or revoke a permit applied for or issued pursuant to this chapter for any of the following reasons:

(1) Submission of false statements in the application for a permit or in any statement of fact required by provisions of this chapter;

(2) Because of conditions revealed by the application or any report, record, inspection or other means which would warrant the department to refuse to grant a permit on an original application;

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

(4) 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;

(5) Failure to pay fees or costs required in rule 46.4(136D);

(6) Violation of any of the provisions of this chapter or of 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 shall:

(1) Call to the attention of the permit holder, in writing, the facts or conduct which may warrant such actions, and

(2) Provide opportunity for the permit holder to demonstrate or achieve compliance with all lawful requirements.

c. Any person aggrieved by a decision by the department to deny a permit or to suspend or revoke a permit after issuance may request a hearing under procedures established by the department.

d. Once a permit to operate has been suspended or revoked, it may be reinstated upon receipt of a fee of \$50 and completion of all other agency requirements. This fee is in addition to other applicable fees.

46.4(7) Inspections.

a. Inspections shall be conducted annually.

b. Inspection cost.

(1) An inspection cost of \$33 per tanning device shall be billed to the permit holder up to a maximum of \$330 per facility.

(2) Inspection costs shall be due upon receipt of payment due. When the tanning facility is located within a contracted area of a board of health, the costs billed will be paid to the contracted board of health or its designee.

(3) Inspection costs not received within 45 days of the date of billing will be assessed a \$25 penalty for each month or fraction thereof that the bill is delinquent.

(4) A penalty fee of \$25 per facility may be assessed for the following:

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 shall include the following areas: proper operation and maintenance of devices, review of required records and training documentation, operator understanding and competency, and the requirements of these rules.