

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2697
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 36-136, Arizona Revised Statutes, is amended to
3 read:

4 36-136. Powers and duties of director; compensation of personnel

5 A. The director shall:

6 1. Be the executive officer of the department of health services and
7 the state registrar of vital statistics but shall not receive compensation
8 for services as registrar.

9 2. Perform all duties necessary to carry out the functions and
10 responsibilities of the department.

11 3. Prescribe the organization of the department. The director shall
12 appoint or remove personnel as necessary for the efficient work of the
13 department and shall prescribe the duties of all personnel. The director may
14 abolish any office or position in the department that the director believes
15 is unnecessary.

16 4. Administer and enforce the laws relating to health and sanitation
17 and the rules of the department.

18 5. Provide for the examination of any premises if the director has
19 reasonable cause to believe that on the premises there exists a violation of
20 any health law or rule of the state.

21 6. Exercise general supervision over all matters relating to
22 sanitation and health throughout the state. When in the opinion of the
23 director it is necessary or advisable, a sanitary survey of the whole or of
24 any part of the state shall be made. The director may enter, examine and
25 survey any source and means of water supply, sewage disposal plant, sewerage
26 system, prison, public or private place of detention, asylum, hospital,
27 school, public building, private institution, factory, workshop, **BODY ART**
28 **ESTABLISHMENT**, tenement, public washroom, public rest room, public toilet and
29 toilet facility, public eating room and restaurant, dairy, milk plant or food
30 manufacturing or processing plant, and any premises in which the director has
31 reason to believe there exists a violation of any health law or rule of the
32 state that the director has the duty to administer.

33 7. Prepare sanitary and public health rules.

34 8. Perform other duties prescribed by law.

35 B. If the director has reasonable cause to believe that there exists a
36 violation of any health law or rule of the state, the director may inspect
37 any person or property in transportation through the state, and any car,
38 boat, train, trailer, airplane or other vehicle in which that person or
39 property is transported, and may enforce detention or disinfection as
40 reasonably necessary for the public health if there exists a violation of any
41 health law or rule.

1 C. The director may deputize, in writing, any qualified officer or
2 employee in the department to do or perform on the director's behalf any act
3 the director is by law empowered to do or charged with the responsibility of
4 doing.

5 D. The director may delegate to a local health department, county
6 environmental department or public health services district any functions,
7 powers or duties that the director believes can be competently, efficiently
8 and properly performed by the local health department, county environmental
9 department or public health services district if:

10 1. The director or superintendent of the local health agency,
11 environmental agency or public health services district is willing to accept
12 the delegation and agrees to perform or exercise the functions, powers and
13 duties conferred in accordance with the standards of performance established
14 by the director.

15 2. Monies appropriated or otherwise made available to the department
16 for distribution to or division among counties or public health services
17 districts for local health work may be allocated or reallocated in a manner
18 designed to assure the accomplishment of recognized local public health
19 activities and delegated functions, powers and duties in accordance with
20 applicable standards of performance. Whenever in the director's opinion
21 there is cause, the director may terminate all or a part of any such
22 delegation and may reallocate all or a part of any funds that may have been
23 conditioned on the further performance of the functions, powers or duties
24 conferred.

25 E. The compensation of all personnel shall be as determined pursuant
26 to section 38-611.

27 F. The director may make and amend rules necessary for the proper
28 administration and enforcement of the laws relating to the public health.

29 G. Notwithstanding subsection H, paragraph 1 of this section, the
30 director may define and prescribe emergency measures for detecting,
31 reporting, preventing and controlling communicable or infectious diseases or
32 conditions if the director has reasonable cause to believe that a serious
33 threat to public health and welfare exists. Emergency measures are effective
34 for no longer than eighteen months.

35 H. The director shall, by rule:

36 1. Define and prescribe reasonably necessary measures for detecting,
37 reporting, preventing and controlling communicable and preventable diseases.
38 The rules shall declare certain diseases reportable. The rules shall
39 prescribe measures, including isolation or quarantine, reasonably required to
40 prevent the occurrence of, or to seek early detection and alleviation of,
41 disability, insofar as possible, from communicable or preventable diseases.
42 The rules shall include reasonably necessary measures to control animal
43 diseases transmittable to humans.

44 2. Define and prescribe reasonably necessary measures, in addition to
45 those prescribed by law, regarding the preparation, embalming, cremation,
46 interment, disinterment and transportation of dead human bodies and the
47 conduct of funerals, relating to and restricted to communicable diseases and
48 regarding the removal, transportation, cremation, interment or disinterment
49 of any dead human body.

1 3. Define and prescribe reasonably necessary procedures not
2 inconsistent with law in regard to the use and accessibility of vital
3 records, delayed birth registration and the completion, change and amendment
4 of vital records.

5 4. Except as relating to the beneficial use of wildlife meat by public
6 institutions and charitable organizations pursuant to title 17, prescribe
7 reasonably necessary measures to assure that all food or drink, including
8 meat and meat products and milk and milk products sold at the retail level,
9 provided for human consumption is free from unwholesome, poisonous or other
10 foreign substances and filth, insects or disease-causing organisms. The
11 rules shall prescribe reasonably necessary measures governing the production,
12 processing, labeling, storing, handling, serving and transportation of such
13 food and drink. The rules shall prescribe minimum standards for the sanitary
14 facilities and conditions that shall be maintained in any warehouse,
15 restaurant or other premises, except a meat packing plant, slaughterhouse,
16 wholesale meat processing plant, dairy product manufacturing plant or trade
17 product manufacturing plant. The rules shall prescribe minimum standards for
18 any truck or other vehicle in which food or drink is produced, processed,
19 stored, handled, served or transported. The rules shall provide for the
20 inspection and licensing of premises and vehicles so used, and for abatement
21 as public nuisances of any premises or vehicles that do not comply with the
22 rules and minimum standards. The rules shall provide an exemption relating
23 to food and drink that is:

24 (a) Served at a noncommercial social event and that takes place at a
25 workplace, such as a potluck.

26 (b) Prepared at a cooking school that is conducted in an
27 owner-occupied home.

28 (c) Not potentially hazardous.

29 (d) Prepared or served at an employee-conducted function that lasts
30 less than four hours and is not regularly scheduled, such as an employee
31 recognition, an employee fund-raising or an employee social event.

32 5. Prescribe reasonably necessary measures to assure that all meat and
33 meat products for human consumption handled at the retail level are delivered
34 in a manner and from sources approved by the Arizona department of
35 agriculture and are free from unwholesome, poisonous or other foreign
36 substances and filth, insects or disease-causing organisms. The rules shall
37 prescribe standards for sanitary facilities to be used in identity, storage,
38 handling and sale of all meat and meat products sold at the retail level.

39 6. Prescribe reasonably necessary measures regarding production,
40 processing, labeling, handling, serving and transportation of bottled water
41 to assure that all bottled drinking water distributed for human consumption
42 is free from unwholesome, poisonous, deleterious or other foreign substances
43 and filth or disease-causing organisms. The rules shall prescribe minimum
44 standards for the sanitary facilities and conditions that shall be maintained
45 at any source of water, bottling plant and truck or vehicle in which bottled
46 water is produced, processed, stored or transported and shall provide for
47 inspection and certification of bottled drinking water sources, plants,
48 processes and transportation and for abatement as a public nuisance of any
49 water supply, label, premises, equipment, process or vehicle that does not

1 comply with the minimum standards. The rules shall prescribe minimum
2 standards for bacteriological, physical and chemical quality for bottled
3 water and for the submission of samples at intervals prescribed in the
4 standards.

5 7. Define and prescribe reasonably necessary measures governing ice
6 production, handling, storing and distribution to assure that all ice sold or
7 distributed for human consumption or for the preservation or storage of food
8 for human consumption is free from unwholesome, poisonous, deleterious or
9 other foreign substances and filth or disease-causing organisms. The rules
10 shall prescribe minimum standards for the sanitary facilities and conditions
11 and the quality of ice that shall be maintained at any ice plant, storage and
12 truck or vehicle in which ice is produced, stored, handled or transported and
13 shall provide for inspection and licensing of the premises and vehicles, and
14 for abatement as public nuisances of ice, premises, equipment, processes or
15 vehicles that do not comply with the minimum standards.

16 8. Define and prescribe reasonably necessary measures concerning
17 sewage and excreta disposal, garbage and trash collection, storage and
18 disposal, and water supply for recreational and summer camps, campgrounds,
19 motels, tourist courts, trailer coach parks and hotels. The rules shall
20 prescribe minimum standards for preparation of food in community kitchens,
21 adequacy of excreta disposal, garbage and trash collection, storage and
22 disposal and water supply for recreational and summer camps, campgrounds,
23 motels, tourist courts, trailer coach parks and hotels and shall provide for
24 inspection of such premises and for abatement as public nuisances of any
25 premises or facilities that do not comply with the rules.

26 9. Define and prescribe reasonably necessary measures concerning the
27 sewage and excreta disposal, garbage and trash collection, storage and
28 disposal, water supply and food preparation of all public schools. The rules
29 shall prescribe minimum standards for sanitary conditions that shall be
30 maintained in any public school and shall provide for inspection of such
31 premises and facilities and for abatement as public nuisances of any premises
32 that do not comply with the minimum standards.

33 10. Prescribe reasonably necessary measures to prevent pollution of
34 water used in public or semipublic swimming pools and bathing places and to
35 prevent deleterious health conditions at such places. The rules shall
36 prescribe minimum standards for sanitary conditions that shall be maintained
37 at any public or semipublic swimming pool or bathing place and shall provide
38 for inspection of such premises and for abatement as public nuisances of any
39 premises and facilities that do not comply with the minimum standards. The
40 rules shall be developed in cooperation with the director of the department
41 of environmental quality and shall be consistent with the rules adopted by
42 the director of the department of environmental quality pursuant to
43 section 49-104, subsection B, paragraph 12.

1 11. Prescribe reasonably necessary measures to keep confidential
2 information relating to diagnostic findings and treatment of patients, as
3 well as information relating to contacts, suspects and associates of
4 communicable disease patients. In no event shall confidential information be
5 made available for political or commercial purposes.

6 12. Prescribe reasonably necessary measures regarding human
7 immunodeficiency virus testing as a means to control the transmission of that
8 virus, including the designation of anonymous test sites as dictated by
9 current epidemiologic and scientific evidence.

10 I. The rules adopted under the authority conferred by this section
11 shall be observed throughout the state and shall be enforced by each local
12 board of health or public health services district, but this section does not
13 limit the right of any local board of health or county board of supervisors
14 to adopt ordinances and rules as authorized by law within its jurisdiction,
15 provided that the ordinances and rules do not conflict with state law and are
16 equal to or more restrictive than the rules of the director.

17 J. The powers and duties prescribed by this section do not apply in
18 instances in which regulatory powers and duties relating to public health are
19 vested by the legislature in any other state board, commission, agency or
20 instrumentality, except that with regard to the regulation of meat and meat
21 products, the department of health services and the Arizona department of
22 agriculture within the area delegated to each shall adopt rules that are not
23 in conflict.

24 K. The director, in establishing fees authorized by this section,
25 shall comply with title 41, chapter 6. The department shall not set a fee at
26 more than the department's cost of providing the service for which the fee is
27 charged. State agencies are exempt from all fees imposed pursuant to this
28 section.

29 L. After consultation with the state superintendent of public
30 instruction, the director shall prescribe the criteria the department shall
31 use in deciding whether or not to notify a local school district that a pupil
32 in the district has tested positive for the human immunodeficiency virus
33 antibody. The director shall prescribe the procedure by which the department
34 shall notify a school district if, pursuant to these criteria, the department
35 determines that notification is warranted in a particular situation. This
36 procedure shall include a requirement that before notification the department
37 shall determine to its satisfaction that the district has an appropriate
38 policy relating to nondiscrimination of the infected pupil and
39 confidentiality of test results and that proper educational counseling has
40 been or will be provided to staff and pupils.

41 M. Until the department adopts exemptions by rule as required by
42 subsection H, paragraph 4, subdivision (b) of this section, a kitchen in a
43 private home that is used as a cooking school and that prepares and offers
44 food to students is exempt from the rules prescribed in subsection H of this
45 section if all of the following are true:

- 1 1. Only one cooking school meal per day is prepared and served.
- 2 2. The meal is served to not more than fifteen cooking school
- 3 students.
- 4 3. The students are informed by a statement contained in a published
- 5 advertisement, mailed brochure and placard posted at the cooking school's
- 6 registration that the food is prepared in a kitchen that is not regulated and
- 7 inspected by the department or by a local health authority.
- 8 Sec. 2. Title 36, Arizona Revised Statutes, is amended by adding
- 9 chapter 11, to read:

CHAPTER 11
BODY ART ESTABLISHMENTS
ARTICLE 1. GENERAL PROVISIONS

13 36-1301. Definitions

14 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

15 1. "BODY ART" MEANS THE PRACTICE OF PHYSICAL BODY ADORNMENT BY BODY
16 PIERCING, TATTOOING, COSMETIC TATTOOING, PERMANENT SKIN COLORING, BRANDING,
17 AND SCARIFICATION. BODY ART DOES NOT INCLUDE PRACTICES THAT ARE CONSIDERED
18 MEDICAL PROCEDURES BY A STATE MEDICAL BOARD, PRACTICES THAT ARE NONINVASIVE
19 FORMS OF PAINTING THROUGH THE USE OF DYES OR INKS OR PRACTICES CONSIDERED BY
20 THE STATE BOARD OF COSMETOLOGY TO BE AESTHETICS, COSMETOLOGY OR NAIL
21 TECHNOLOGY.

22 2. "BODY ART ESTABLISHMENT" MEANS ANY PLACE WHERE BODY ART IS
23 PERFORMED, WHETHER OR NOT FOR PROFIT, UNDER THE DIRECTION OF A BODY ART
24 ESTABLISHMENT OPERATOR.

25 3. "BODY ART ESTABLISHMENT EMPLOYEE" MEANS A PERSON WHO PRACTICES BODY
26 ART AT A BODY ART ESTABLISHMENT UNDER THE DIRECTION OF A BODY ART
27 ESTABLISHMENT OPERATOR.

28 4. "BODY ART ESTABLISHMENT OPERATOR" MEANS A PERSON WHO CONTROLS,
29 OPERATES, MANAGES OR PRACTICES BODY ART ACTIVITIES AT A BODY ART
30 ESTABLISHMENT.

31 5. "BODY PIERCING" MEANS PUNCTURING OR PENETRATING A PERSON'S SKIN
32 WITH A NEEDLE OR SHARPENED JEWELRY AND INSERTING JEWELRY OR OTHER ADORNMENT
33 IN THE OPENING. BODY PIERCING INCLUDES EAR PIERCING.

34 6. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

35 7. "EAR PIERCING" MEANS THE PUNCTURING OF THE OUTER PERIMETER OR LOBE
36 OF THE EAR WITH A NEEDLE.

37 8. "LOCAL PUBLIC HEALTH DEPARTMENT" MEANS LOCAL HEALTH DEPARTMENTS
38 ESTABLISHED PURSUANT TO CHAPTER 1, ARTICLE 4 OF THIS TITLE OR THE COUNTY
39 ENVIRONMENTAL DEPARTMENT.

40 9. "TATTOOING" MEANS ANY METHOD OF PLACING INK OR OTHER PIGMENT INTO
41 OR UNDER THE SKIN OR MUCOSA TO PERMANENTLY COLOR THE SKIN OR MUCOSA BY USING
42 NEEDLES OR ANY OTHER INSTRUMENT TO PUNCTURE THE SKIN. TATTOOING INCLUDES ALL
43 FORMS OF COSMETIC TATTOOING AND PERMANENT SKIN COLORING SUCH AS EYELINER,
44 EYEBROWS, LIP LINER, FULL LIP COLOR, REPIGMENTATION OR CAMOUFLAGE.

1 36-1302. Prohibited acts

2 BEGINNING JANUARY 1, 2010, A BODY ART ESTABLISHMENT OPERATOR SHALL NOT:

3 1. OPERATE A BODY ART ESTABLISHMENT WITHOUT A LICENSE ISSUED PURSUANT
4 TO THIS ARTICLE.

5 2. AUTHORIZE OR PERFORM BODY ART ON ANY BODY PART OF A PERSON WHO IS
6 UNDER EIGHTEEN YEARS OF AGE WITHOUT THE WRITTEN CONSENT AND THE PHYSICAL
7 PRESENCE OF THE CHILD'S PARENT OR LEGAL GUARDIAN AT THE BODY ART
8 ESTABLISHMENT.

9 3. USE A NEEDLE TO TATTOO OR PIERCE THE BODY OF ANOTHER PERSON MORE
10 THAN ONCE OR USE A NEEDLE THAT IS NOT STERILIZED.

11 4. USE A STUD-AND-CLASP PIERCING GUN OR SYSTEM MORE THAN ONCE, UNLESS
12 THE GUN OR SYSTEM IS CAPABLE OF BEING DISINFECTED AND IS ACTUALLY DISINFECTED
13 AFTER EACH USE.

14 5. PIERCE ANY BODY PART OTHER THAN AN EAR WITH A PIERCING GUN OR
15 SYSTEM.

16 6. UNLESS PERMITTED PURSUANT TO A LICENSE ISSUED PURSUANT TO TITLE 32,
17 ADMINISTER ANESTHESIA DURING THE COURSE OF ANY PROCEDURE INVOLVING THE
18 BRANDING, SCARIFYING, TATTOOING, IMPLANTING, MUTILATING OR PIERCING OF THE
19 BODY OF ANOTHER PERSON.

20 7. ENGAGE IN THE BUSINESS OF TATTOOING, BRANDING, SCARIFYING,
21 IMPLANTING, MUTILATING OR BODY PIERCING OUT OF A HOME OR AN IMPERMANENT
22 STRUCTURE.

23 36-1303. Licensure; application; fees; posting

24 A. BEGINNING JANUARY 1, 2010, A BODY ART ESTABLISHMENT OPERATOR WHO
25 WISHES TO OPERATE A BODY ART ESTABLISHMENT MUST HAVE A CURRENT LICENSE ISSUED
26 BY A LOCAL PUBLIC HEALTH DEPARTMENT. A BODY ART ESTABLISHMENT OPERATOR WHO
27 WISHES TO OPERATE MORE THAN ONE ESTABLISHMENT MUST HAVE A SEPARATE LICENSE
28 FOR EACH ESTABLISHMENT.

29 B. A LOCAL PUBLIC HEALTH DEPARTMENT MAY ESTABLISH ITS OWN FEES
30 RELATING TO BODY ART ESTABLISHMENT LICENSURE.

31 C. AN APPLICANT FOR LICENSURE SHALL FILE A COMPLETED APPLICATION AS
32 REQUIRED BY THE DEPARTMENT. THE APPLICANT SHALL INCLUDE THE APPLICATION FEE
33 AS PRESCRIBED BY THE LOCAL PUBLIC HEALTH DEPARTMENT.

34 D. A LICENSE ISSUED PURSUANT TO THIS SECTION IS NOT TRANSFERABLE.

35 E. THE LICENSEE OR OPERATOR MUST POST THE LICENSE, AND IF APPLICABLE
36 THE MOST RECENT INSPECTION, IN A PROMINENT AND CONSPICUOUS AREA WHERE IT MAY
37 BE READILY OBSERVED BY CLIENTS.

38 36-1304. Compliance requirements

39 AS A CONDITION OF LICENSURE, THE BODY ART ESTABLISHMENT OPERATOR AND
40 THE EMPLOYEES OF A BODY ART ESTABLISHMENT MUST COMPLY WITH ALL STANDARDS
41 PRESCRIBED BY THE DEPARTMENT BY RULE.

42 36-1305. Temporary establishment; licensure

43 A. A BODY ART ESTABLISHMENT THAT IS LICENSED PURSUANT TO SECTION
44 36-1303 AND THAT WISHES TO OPERATE A TEMPORARY BODY ART ESTABLISHMENT AT
45 ANOTHER LOCATION FOR PRODUCT DEMONSTRATION, AN INDUSTRY TRADE SHOW OR
46 EDUCATION OR TO DEMONSTRATE BODY ART TECHNIQUES MUST HAVE A CURRENT TEMPORARY
47 LICENSE ISSUED BY THE LOCAL PUBLIC HEALTH DEPARTMENT.

1 B. AN APPLICANT FOR A TEMPORARY BODY ART ESTABLISHMENT LICENSE SHALL
2 FILE A COMPLETED APPLICATION AS REQUIRED BY THE LOCAL PUBLIC HEALTH
3 DEPARTMENT. THE APPLICANT SHALL INCLUDE THE APPLICATION FEE AS PRESCRIBED BY
4 THE LOCAL PUBLIC HEALTH DEPARTMENT. THE APPLICANT MUST HOLD A CURRENT
5 LICENSE IN GOOD STANDING PURSUANT TO SECTION 36-1303.

6 C. A TEMPORARY BODY ART ESTABLISHMENT LICENSE ISSUED PURSUANT TO THIS
7 SECTION IS NOT TRANSFERABLE AND IS ONLY VALID FOR NOT MORE THAN FOUR DAYS OR
8 UNTIL THE CONCLUSION OF THE SPECIAL EVENT, WHICHEVER DATE FIRST OCCURS.

9 D. THE BODY ART ESTABLISHMENT OPERATOR MUST POST THE TEMPORARY
10 LICENSE, AND IF APPLICABLE THE MOST RECENT INSPECTION, IN A PROMINENT AND
11 CONSPICUOUS AREA WHERE IT MAY BE READILY OBSERVED BY CLIENTS.

12 36-1306. Minimum standards for operation; county standards

13 A. THE DEPARTMENT OF HEALTH SERVICES SHALL ESTABLISH MINIMUM STANDARDS
14 REGARDING THE FOLLOWING THAT EACH BODY ART ESTABLISHMENT MUST COMPLY WITH AS
15 A CONDITION OF LICENSURE BY THE LOCAL PUBLIC HEALTH DEPARTMENT:

- 16 1. SANITATION.
- 17 2. PEST CONTROL.
- 18 3. PROPER DISPOSAL OF EQUIPMENT AND BODILY FLUIDS.
- 19 4. STERILIZATION OF EQUIPMENT AND SURFACE AREAS.
- 20 5. RECORD KEEPING AND OTHER BUSINESS PROCEDURES.
- 21 6. BODY ART ESTABLISHMENT EMPLOYEE REQUIREMENTS.

22 B. A COUNTY THAT REGULATES BODY ART ESTABLISHMENTS MUST ADOPT
23 STANDARDS THAT ARE AT LEAST AS STRINGENT AS THOSE PRESCRIBED BY THE
24 DEPARTMENT OF HEALTH SERVICES PURSUANT TO SUBSECTION A.

25 36-1307. Investigations; inspections; disciplinary action

26 A. TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, THE
27 LOCAL PUBLIC HEALTH DEPARTMENT MAY RECEIVE AND INVESTIGATE COMPLAINTS,
28 INITIATE AND CONDUCT INVESTIGATIONS AND ENTER AND INSPECT A BODY ART
29 ESTABLISHMENT OR TEMPORARY ESTABLISHMENT DURING BUSINESS HOURS.

30 B. IF PURSUANT TO AN INSPECTION OR INVESTIGATION THE LOCAL PUBLIC
31 HEALTH DEPARTMENT BELIEVES THAT THE LICENSEE OR OPERATOR IS IN VIOLATION OF
32 THIS ARTICLE OR DEPARTMENT RULES, THE LOCAL PUBLIC HEALTH DEPARTMENT MAY DO
33 ANY OF THE FOLLOWING:

- 34 1. IF THE LOCAL PUBLIC HEALTH DEPARTMENT DETERMINES THAT THE VIOLATION
35 DOES NOT POSE A RISK TO THE PUBLIC HEALTH OR SAFETY, NOTIFY THE LICENSEE IN
36 WRITING OF ITS FINDINGS AND INSTRUCT THE LICENSEE TO TAKE SPECIFIC STEPS TO
37 CORRECT THE VIOLATION WITHIN A REASONABLE TIME.
- 38 2. ISSUE A CEASE AND DESIST ORDER.
- 39 3. IMPOSE A CIVIL PENALTY AS PRESCRIBED BY ORDINANCE FOR EACH
40 VIOLATION OF THIS CHAPTER. IN ADDITION, THE LOCAL PUBLIC HEALTH DEPARTMENT
41 MAY ASSESS AND COLLECT THE REASONABLE COSTS INCURRED IN A DISCIPLINARY
42 HEARING IF ACTION IS TAKEN AGAINST A PERSON'S LICENSE.
- 43 4. ACCEPT A VOLUNTARY SURRENDER OF A LICENSE.
- 44 5. IF THE LOCAL PUBLIC HEALTH DEPARTMENT DETERMINES THAT PUBLIC SAFETY
45 REQUIRES IMMEDIATE ACTION, ORDER THE SUMMARY SUSPENSION OF A LICENSE OR THE
46 RESTRICTION OF THE LICENSEE'S BUSINESS OPERATION PENDING A HEARING CONDUCTED
47 PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

1 36-1308. Investigations; inspections; disciplinary action

2 A. THIS CHAPTER DOES NOT PROHIBIT A COUNTY OR MUNICIPALITY FROM
3 ADOPTING AND ENFORCING REGULATIONS AFFECTING BODY ART ESTABLISHMENTS,
4 LOCATIONS OR SETTINGS IN WHICH INDIVIDUALS, ENTITIES OR BUSINESSES ENGAGE IN
5 THE PRACTICE OF BODY ART.

6 B. A COUNTY OR MUNICIPALITY MAY IMPOSE REGULATIONS THAT ARE MORE
7 STRINGENT THAN THE RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS CHAPTER.

8 Sec. 3. Exemption from rule making

9 For the purposes of this act, the department of health services is
10 exempt from the rule making requirements of title 41, chapter 6, Arizona
11 Revised Statutes, for two years after the effective date of this act. The
12 department shall hold at least two public meetings before adopting rules
13 pursuant to this act."

14 Amend title to conform

PHIL LOPES

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