

Title 15: Mississippi Department of Health

Part 14: General Sanitation

Subpart 70: General Sanitation Regulations

Chapter 1 REGULATION GOVERNING THE CONTROL OF FLIES, MOSQUITOES, RATS, AND OTHER VERMIN

Rule 1.1.1 No person, firm, or corporation shall maintain or create a condition which, in the opinion of the Health Officer, is conducive to the breeding, feeding, or harboring of flies, mosquitoes, rats, or other vermin in sufficient numbers to create a public health hazard.

SOURCE: Miss. Code Ann. 41-3-17

Chapter 2 REGULATION GOVERNING PUBLIC TOILETS

Rule 2.1.1 **Definition.** A "public toilet" is defined as any toilet room provided for the general public in a theater, service station, public hall, courthouse, bus station, depot or similar public place.

SOURCE: Miss. Code Ann. § 41-25-1

Rule 2.1.2 **Construction.** All toilet rooms shall be constructed of sound material and kept clean and free of insects and rodents. Walls and ceiling shall be of light color. Floors shall be constructed of impervious material free from defects. Adequate light and ventilation shall be provided.

SOURCE: Miss. Code Ann. § 41-25-1

Rule 2.1.3 **Plumbing and Plumbing Fixtures.** The plumbing and plumbing fixtures shall be installed in compliance with good plumbing practices, maintained in good repair and kept clean. Hand-washing facilities, provided with soap and individual towels, shall be provided in each toilet room. Wastes from public toilets shall be disposed of in compliance with the Regulation Governing Disposal of Human Excreta and Other Liquid Wastes. (Note: Superseded by the Regulation Governing Individual Onsite Wastewater Disposal Systems.)

SOURCE: Miss. Code Ann. § 41-25-1

Rule 2.1.4 **Responsibility.** It shall be the duty of the owner, manager or custodian to see that this regulation is complied with.

SOURCE: Miss. Code Ann. § 41-25-1

Chapter 3 REGULATION GOVERNING ROCK FESTIVALS

Subchapter 1 Definitions

Rule 3.1.1 **Rock Festival** shall mean an actual, or a reasonably foreseeable, assembly of 1,000 or more people which does or did continue, or can reasonably be expected to continue, for a period of 18 or more consecutive hours at which the principal source of entertainment is, was, or will be musical in nature.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.1.2 **Person** shall mean an individual or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.1.3 **Health Officer** shall mean an official representative of the Mississippi State Board of Health or any county health officer or his authorized representative.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.1.4 **Refuse** shall mean garbage, rubbish, and all other putrescible and non-putrescible waste, except sewage.

SOURCE: Miss. Code Ann. § 45-21-11

Subchapter 2 Plans and Specifications

Rule 3.2.1 Any person desiring to hold, sponsor, or supervise a rock festival in the State of Mississippi shall submit plans and specifications for such event to the State Board of Health at least 18 days prior to the commencement of the festival. The plans and specifications shall contain complete information regarding location of the festival, water supply, toilet and handwashing facilities, sewage disposal system, drainage, refuse storage and disposal, food service, medical facilities, insect and noxious weed control, fire protection, and sleeping areas and facilities. Also, information shall be given as to the calendar dates of the festival, the maximum number of persons who will be permitted to attend the event, the maximum number of hours or days it will be held, the name and address of the person or persons requesting certification from the State Board of Health, and such other pertinent information as the Board shall find necessary.

SOURCE: Miss. Code Ann. § 45-21-11

Subchapter 3 Festival Area

Rule 3.3.1 **Premises.** The premises where any rock festival is to be held shall be kept free of refuse, waste materials, rodent infestations, insect breeding places, noxious weeds, and other objectionable conditions.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.3.2 **Fences.** Adequate fences shall be provided where necessary to prevent easy access to areas or conditions that may be hazardous to health and safety.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.3.3 **Festival Site.** The festival site shall be well drained and not immediately adjacent to any marshy area. No festival shall be held on a site located on the watershed of a domestic or public water supply so as to create a pollution hazard. The site shall provide adequate space commensurate with the purpose and number of people attending.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.3.4 **Roads.** The festival site shall be provided with a network of interior roads that are to be kept clear at all times for emergency vehicles and so that trucks and other vehicles can properly service all facilities and refuse pick-up stations. Provisions shall be made for adequate traffic control measures that will preclude hazards to both vehicular and pedestrian traffic.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.3.5 **Parking Area.** An adequate and properly designated parking area shall be provided for the parking of all vehicles. The parking area shall be well separated from the medical facilities, entertainment area, foodhandling facilities, and other designated areas.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.3.6 **Sleeping Area.** Adequate and clearly designated camping and sleeping areas that will not result in overcrowding shall be provided. The camping, pitching of a tent, or sleeping in the entertainment or medical treatment area shall not be permitted.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.3.7 **Lighting.** Adequate artificial light shall be provided for the medical facilities area, toilet areas, shower areas, service areas, walkways, and other areas where needed.

SOURCE: Miss. Code Ann. § 45-21-11

Subchapter 4 Sanitary Facilities

Rule 3.4.1 **Water Supply.** The water supply shall be adequate, of a safe and sanitary quality, and from an approved source. There shall be no physical connection

between the approved water supply and water from any other source. Adequate drinking water outlets shall be provided.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.4.2 **Sewage disposal.** All sewage and liquid waste shall be disposed of in compliance with the Mississippi State Board of Health Regulation Governing Disposal of Human Excreta and Other Liquid Wastes. Any treatment facility or discharge therefrom shall be in compliance with all appropriate state laws.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.4.3 **Toilet Facilities.** There shall be provided at each rock festival adequate and conveniently located toilet facilities. Toilet rooms and toilet room fixtures shall be kept clean and in good repair. Toilet tissue shall be provided in all toilet rooms at all times. Separate toilet facilities shall be provided for each sex.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.4.4 **Drinking Fountains.** A common drinking utensil shall not be provided or allowed. Any drinking fountain shall be of approved sanitary design and construction.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.4.5 **Handwashing Facilities.** Adequate handwashing facilities, including lavatory equipped with running water, soap, and individual paper towels, shall be provided at all rock festivals. Such facilities shall be convenient to the foodhandling areas and toilet areas.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.4.6 **Showers.** Any festival that can be expected to continue for a period of more than 48 hours shall provide adequate showers that are conveniently located and separate for each sex. Showers shall be properly screened for privacy and supplied with potable water only.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.4.7 **Refuse.** Adequate garbage containers, conveniently located, shall be provided at all rock festivals, and the Mississippi State Board of Health Regulation Governing Disposal of Refuse shall be complied with at all times.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.4.8 **Insect Control.** Effective measures shall be utilized to properly control insects so that they will not become a nuisance or a public health hazard.

SOURCE: Miss. Code Ann. § 45-21-11

Subchapter 5 Medical Facilities

Rule 3.5.1 **Doctors and Nurses.** An adequate staff of physicians and nurses, licensed and qualified to practice in Mississippi, shall be on duty at all times during the event.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.5.2 **Medical Facilities.** Adequate medical treatment facilities shall be provided, with a complete inventory of emergency medical supplies on hand at all times. An ambulance shall be available for the transfer of patients to a hospital.

SOURCE: Miss. Code Ann. § 45-21-11

Rule 3.5.3 **Communicable Disease Control.** The physician in charge shall immediately report to the county health officer any case or suspected case of communicable or reportable disease which he is attending, has examined, or of which he has knowledge. Such report shall include the patient's name, address, age, race, sex, the suspected disease, and the date of the onset of the disease. No person having or being suspected of having a communicable or infectious disease shall attend or be permitted to attend any rock festival or be allowed on the site where the festival is to be held.

SOURCE: Miss. Code Ann. § 45-21-11

Subchapter 6 Food Service

Rule 3.6.1 All food service equipment and foodhandling establishments shall comply with the Mississippi State Board of Health Regulation Governing Food and Foodhandling Establishments.

SOURCE: Miss. Code Ann. § 45-21-11

Subchapter 7 Fire Protection

Rule 3.7.1 All areas and buildings on the festival site shall conform to the requirements established by the laws of Mississippi and the regulations and standards issued by the State Fire Marshal.

SOURCE: Miss. Code Ann. § 45-21-11

Subchapter 8 Maintenance of Site

Rule 3.8.1 All sites where rock festivals are held and all facilities provided shall be maintained in a clean, safe, and sanitary condition. At the close of the festival, the sponsors or persons in charge shall have all rubbish removed from the premises and leave the site in a clean and sanitary condition.

SOURCE: Miss. Code Ann. § 45-21-11

Subchapter 9 Other Agencies

Rule 3.9.1 All appropriate law enforcement agencies shall be properly notified regarding the proposed festival.

SOURCE: Miss. Code Ann. § 45-21-11

Chapter 4 REGULATION GOVERNING SANITATION OF HOTELS AND MOTELS

Subchapter 1 Purpose

Rule 4.1.1 The purpose of this chapter is to set forth standards of general sanitation for all hotels as defined in this Regulation.

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 2 Authority

Rule 4.2.1 These regulations are promulgated under the authority of Section 41-49-1 through 41-49-9, MS Code of 1972, Annotated.

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 3 Definitions

Rule 4.3.1 **Hotel/Motel.** The term hotel or motel shall mean and include any hotel, inn, motel, tourist court, apartment house, rooming house or other place where sleeping accommodations are furnished or offered for pay, if four (4) or more rooms are available therein for transient guests, excluding nursing homes or institutions for the aged or infirm as described in Section 43-11-1 (MS Code) and personal care homes as defined in Section 43-45-5(1) (MS Code).

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 4 Conditions of Building

Rule 4.4.1 **Building Interior.** Walls, ceilings, floors, carpets, furniture, and equipment of all rooms in any such hotel/motel including halls and stairs, shall be kept clean and in good repair.

SOURCE: Miss. Code Ann. § 41-49-1

Rule 4.4.2 **Building Exterior.** All roofs and outside walls, doors and windows shall be maintained in good repair.

SOURCE: Miss. Code Ann. § 41-49-1

Rule 4.4.3 **Heating and Cooling System.** The heating system shall be properly installed and maintained in good repair and shall be capable of maintaining a temperature of at least 68 degrees Fahrenheit in each sleeping room whenever occupied. The cooling system, if any, shall be properly installed and maintained in good repair.

SOURCE: Miss. Code Ann. § 41-49-1

Rule 4.4.4 **Ventilation**

- 1 Sleeping and toilet rooms shall have sufficient ventilation to keep them free from steam condensation, excessive heat vapors, smoke, fumes or noxious odors.
- 2 Rooms or units without a mechanical cooling system shall have an operable screened window (sixteen mesh screen) for natural ventilation or a transom exhausting 20 cfm of air.

SOURCE: Miss. Code Ann. § 41-49-1

Rule 4.4.5 **Lighting.** Natural and artificial lighting for general cleaning purposes and safety of guests shall be at least 10 footcandles in guest rooms, stairways, hallways, and storage areas. Lighting in reading areas of guest rooms shall be at least 30 footcandles.

SOURCE: Miss. Code Ann. § 41-49-1

Rule 4.4.6 **Toilet and Bathing Facilities**

- 1 Each hotel/motel shall be provided with adequate and conveniently located toilet and bathing facilities. Except for hotels constructed before the effective date of this regulation, toilet and bathing facilities shall be provided for each sleeping room. Toilets and bathing facilities, including rooms and fixtures, shall be of sanitary design, easily cleanable, kept in good repair, and shall be cleaned and disinfected daily. Toilet tissue shall be provided, and new soap shall be provided after each guest occupancy. Easily cleanable receptacles shall be provided for waste materials.
- 2 Anti-slip tubs, adequate slip strips, appliques, or slip-proof mats shall be provided in each bathing facility and shall be kept clean and in good repair.
- 3 Each hotel/motel shall provide adequate, conveniently located hand-washing facilities at each toilet and bathroom including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap and towels. Individual single-service towels or a hot-air hand-drying device shall be provided in restrooms in public areas. Such facilities shall be kept clean and in good repair.

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 5 Linen, Beds, and Bedding

- Rule 4.5.1 Blankets, sheets, pillows, pillow cases, towels, wash cloths, and bath mats shall be provided, and laundered, stored and distributed in a sanitary manner. All body contact linen shall be changed when there is a new occupant. Soiled linens shall be so handled and stored as not to come in contact with clean linens.
- 1 Beds and mattresses shall be clean and in good repair. Washable mattress pads or covers shall be used on all mattresses and shall be kept clean.
 - 2 Each bed shall be provided with a minimum of 2 sheets, 1 pillow, 1 pillow case, and sufficient blankets or coverings for warmth. A minimum of 1 towel and 1 washcloth per person shall be provided.

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 6 Water and Sewage

- Rule 4.6.1 Enough potable water for the needs of the hotel/motel shall be provided from a source meeting all requirements of the Health Authority. The potable water system shall be installed to preclude the possibility of backflow. There shall be no cross connections between the potable water supply and any unsafe or questionable water supply, or any source of pollution through which the potable water might become contaminated. All sewage, including liquid waste, shall be disposed of by a public sewerage system or by a sewage disposal system meeting all requirements of the Mississippi State Department of Health Regulation Governing Individual Onsite Wastewater Disposal Systems and/or regulations of the Mississippi Department of Natural Resources.

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 7 Food, Ice, Glasses

- Rule 4.7.1 All food services operated in conjunction with a hotel/motel must be permitted under the Mississippi State Department of Health Regulation Governing Food Service Sanitation. If a Bed and Breakfast Inn in a private home meeting the definition of a hotel/motel under this regulation serves only non-potentially hazardous foods such as breads, coffee, fruits, juices, etc., a Food Service Sanitation permit is not required.
- 1 All ice shall be purchased from a source complying with the Mississippi State Department of Health Regulation Governing the Manufacture, Storage, and Handling of Ice or produced and stored at the hotel/motel in a clean and sanitary manner. Multi-use ice buckets shall be collected from the rooms and sanitized for each new guest.

- 2 Multi-use glasses shall be collected daily, washed, rinsed, sanitized, and wrapped in a sanitary manner before being replaced in the room. Single service drinking cups shall be individually wrapped or dispensed in a sanitary manner.

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 8 Communicable Disease

- Rule 4.8.1 Personnel. No person having a contagious or infectious disease shall be employed in or frequent any hotel/motel until such person shall submit to the employer evidence satisfactory to the health officer of freedom of contagion.

SOURCE: Miss. Code Ann. § 41-49-1

- Rule 4.8.2 No person having open, oozing or weeping lesions of the skin on any exposed part of the body shall be employed unless such lesion(s) are completely covered by adequate bandages or other appropriate dressing(s). Employees shall wear clean outer garments and conform to good hygienic practices.

SOURCE: Miss. Code Ann. § 41-49-1

- Rule 4.8.3 Rooms. It shall be the duty of every person keeping, managing, or operating a hotel/motel to see that every room which has been occupied by any person known to the keeper, manager, or operator to have had communicable disease at the time of such occupancy, together with its contents, shall be thoroughly disinfected in a manner prescribed by the health officer before permitting such room to be occupied by any other person.

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 9 Fire Escape

- Rule 4.9.1 Every hotel/motel shall comply with the requirements of the NFPA - Life Safety Code regarding fire exits and fire safety.

SOURCE: Miss. Code Ann. § 41-49-1

Subchapter 10 Refuse and Vector Control

- Rule 4.10.1 Refuse shall be stored, collected and disposed of in a manner which prevents the breeding of flies and other vermin. Containers shall be cleaned at such frequency as to prevent a nuisance or odor.

- 1 All outside premises shall be maintained free of litter and unnecessary articles, and shall be well drained.
- 2 Openings to the outside shall be effectively protected against the entrance of insects and rodents.

- 3 Effective measures intended to control the presence of rodents and insects on the premises shall be utilized. Pesticides shall be properly stored and identified, and shall be used only in such manner as will not constitute a hazard to employees or guests.

SOURCE: Miss. Code Ann. § 41-49-1

Chapter 5 REGULATION GOVERNING BARBERING, BARBER SHOPS AND BARBER SCHOOLS

Subchapter 1 INTRODUCTION

Rule 5.1.1 It is hereby ordered that the Sanitary Regulations Governing Barbering, Barber Shops, Barber Colleges and Beauty Parlors, adopted by the Mississippi State Board of Health on July 15, 1930, amended May 13, 1931, and August 13, 1934, be repealed and the following regulation be adopted:

1. All barber shops and barber schools shall be open for inspection during business hours to official representatives of the State Board of Health.
2. All barber shops and barber schools must be supplied with adequate running hot and cold water, under pressure, from an approved supply. All barber shops and barber schools located on streets or alleys where a public sanitary sewer system is available shall have a sewer connection to such sewer system into which all liquid waste shall be disposed. Where a public sanitary sewer system is not available, all liquid waste shall be disposed of in a manner approved by the Health Officer.
3. All barber shops, barber schools and all furnishings, equipment, tools, floors, walls and ceilings shall be kept clean and in good repair at all times. Hair must be promptly swept from the floor and put in a closed container or taken from the room. Soiled lather paper and soiled towels shall be kept in separate receptacles. The head-rest of each chair must be covered with clean paper only and this paper, once used, must be discarded. A clean towel or a fresh strip of paper must be placed around each patron's neck so that the hair cloth does not come in contact with the skin. Such material once used shall be discarded. Spitting on the floor is prohibited. If cuspidors are used, they must be thoroughly cleaned at least once daily and a small amount of water, preferably some good disinfectant solution, must be kept in them at all times. All barber shops and barber schools shall be well lighted and ventilated.
4. In each barber shop or barber school, there shall be provided receptacles for soiled towels. Each barber shall, immediately after the completion of the service to a customer, place the towel or towels used on each customer in such receptacle and no towel shall be withdrawn from such receptacles and used on any customer until the towel has been properly laundered. No soiled towels shall be left on the lavatory, barber chair or back bar.

5. One of the following approved methods of disinfecting must be available for use at all times:
- a. Immersion in boiling water or steam for at least five minutes.
 - b. Immersion for at least five minutes in bathing or grain alcohol (70%).
 - c. Immersion for ten minutes in 1 per cent solution Liquor Cresolis Compound.
 - d. Immersion for one minute in hexylresorcinol (S. T. 37).
 - e. Immersion for one minute in Metaphen (1 to 1000).
 - f. Immersion for one minute in Mercuric Cyanide (1 to 5000).
 - g. Immersion for one minute in solution Merthiolate (1 to 10010).
 - h. Immersion for one minute in I per cent solution Beniodide of Mercury.
 - i. Immersion for two minutes in Chlorine solution containing 200 parts per million of Chlorine.
 - j. Ultra violet ray cabinets may be used but will not be accepted as approved disinfecting devices.
 - k. All disinfected instruments and brushes when not in use shall be kept in a clean cabinet which is used for these articles only.

SOURCE: Miss. Code Ann. § 41-3-17

Rule 5.1.2 For lathering, a good mechanical latherizer or hand-applied shaving cream is recommended. If shaving brushes are used they must be thoroughly cleaned after each usage.

SOURCE: Miss. Code Ann. § 41-3-17

Rule 5.1.3 Any styptic, caustic or other local medication used in stopping the flow of blood or for any other purpose must be used in powder or liquid form and should be applied with a portion of a clean towel or face cloth. Use of alum, pencils or any styptic in solid form is prohibited.

SOURCE: Miss. Code Ann. § 41-3-17

Rule 5.1.4 No barber, barber apprentice, barber student, cashier, bootblack, manicurist or any person having gonorrhea, syphilis, tuberculosis, trench mouth, barber's itch, ringworm or any other communicable disease, or who has been recently exposed to a quarantinable disease, shall be permitted to practice barbering or perform any other labor or duties in any barber shop or barber school. To satisfy this section

each barber, barber apprentice, barber student, cashier, bootblack and manicurist shall be required to submit satisfactory evidence of freedom from any communicable disease as often as may be deemed necessary by the State Health Officer. A Patron having a suspicious eruption or other sign of any communicable disease shall not be served.

SOURCE: Miss. Code Ann. § 41-3-17

Rule 5.1.5 There shall be no direct connection between a sleeping room and a barber shop.

SOURCE: Miss. Code Ann. § 41-3-17

Rule 5.1.6 It shall be the duty of the head barber or manager of each barber shop or barber school to make certain that all employees know and observe these regulations.

SOURCE: Miss. Code Ann. § 41-3-17

CHAPTER 6 -- REGULATIONS FOR TANNING FACILITIES

Subchapter 1 Regulations of Tanning Equipment & Facilities

Rule 6.1.1 **Purpose and Scope.**

1. This Chapter provides for the registration of tanning equipment and tanning facilities and regulation of the maintenance and operation of tanning facilities.
2. In addition to the requirements of this Chapter, all registrants are subject to the applicable provision of other Chapters of these regulations.
3. Nothing in this Chapter shall be interpreted as limiting the intentional exposure of patients to ultraviolet radiation for the purpose of treatment or use commensurate with the licensed practitioner's use of a healing art.

Source: MS Code Ann. § 45-14-11

Rule 6.1.2 **Definitions.** The following terms are defined for purposes of this Chapter.

1. "Act" means the Mississippi Radiation Protection Law of 1976.
2. "Affected Party" means a tanning registrant whom an enforcement action has been taken by the Agency.
3. "Agency" means the Mississippi Department of Health.
4. "CFR" means Code of Federal Regulations.
5. "Complaint" is a written document submitted to the Agency addressing an existing or potential public health hazard.

6. "Consumer" means any member of the public who is provided access to a tanning facility in exchange for a fee or other compensation, or any individual who, in exchange for a fee or other compensation, is afforded use of a tanning facility as a condition or benefit of membership or access.
7. "EPA" means U. S. Environmental Protection Agency.
8. "FDA" means U.S. Food and Drug Administration.
9. "FTC" means Federal Trade Commission.
10. "Formal operator training" means a course of instruction pre-approved by the Agency conducted or presented under formal classroom conditions, a correspondence program, or through a computer based program by a person possessing adequate knowledge and experience to offer the curriculum, associated training and certification testing pertaining to and associated with the safe use of tanning equipment. Training shall cover ultraviolet radiation and the effects on the skin, photosensitivity, eye protection, equipment maintenance, FDA regulations and the provisions of this chapter.
11. "Healing arts" means the professional disciplines authorized by the laws of this state to use sources of radiation in the diagnosis or treatment of human or animal diseases.
12. "Individual" means any human being.
13. "Inspection" means an official examination or observation including but not limited to tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the Agency.
14. "Investigation" means a visit by an authorized individual(s) to a registered or unregistered facility for the purpose of determining the validity of complaints or allegations received by the Agency relating to this regulation.
15. "Medical Lamps" means any lamp that is specifically designed and labeled for medical use only.
16. "Minor" means any individual less than eighteen (18) years of age.
17. "Operator" means an individual designated by the Registrant to control operation of the tanning facility and to instruct and assist the consumer in the proper operation of the tanning equipment.
18. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

19. "Personal use" means operating a single tanning unit for individual purpose of cosmetic tanning. Personal use implies that the unit will not be used for any business purpose. Multiple tanning units cannot be used as personal use.
20. "Radiation" means ultraviolet radiation in these regulations.
21. "Radiation machine" means any device capable of producing radiation.
22. "Registrant" means any person who is registered with the Agency and is legally obligated to register with the Agency pursuant to these regulations and the Act.
23. "Registration" means registration with the Agency in accordance with regulations adopted by the Agency.
24. "Tanning device" means any equipment that emits radiation used during the process of skin tanning with a sun lamp product, such as any sun lamp product and any accompanying equipment, including but not limited to protective eyewear, timers, ballasts, starters, lamps, reflectors, cooling fans, acrylics, comfort pillows, and handrails.
25. "Tanning facility" means any location, place, area, structure or business which provides consumers access to tanning equipment for a fee, membership dues or any other compensation.
26. "These regulations" means all chapters of the Mississippi State Board of Health General Sanitation Regulations, Part 14-General Sanitation, Chapter 6, Regulations for Tanning Facilities.
27. "Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between two hundred (200) nanometers and four hundred (400) nanometers.

Source: MS Code Ann. § 45-14-11

Rule 6.1.3 Exemptions.

1. General: The Agency may, upon application therefore or upon its own initiative, grant such exemptions or exceptions from the requirements of these regulations as it determines are authorized by law and will not result in undue hazard to public health and safety.
2. Equipment intended for purposes other than the deliberate exposure of parts of the living body to ultraviolet radiation, and which produce or emit ultraviolet radiation incidental to its proper operation are exempt from the provisions of this Chapter.
3. Radiation machines while in transit or storage incidental thereto are exempt from the provisions of this Chapter.

4. Any individual is exempt from the provisions of these rules to the extent that such individual owns a tanning device exclusively for personal use.
5. This chapter does not apply to a licensed health care professional who uses a tanning device for the treatment of patients, if that use is within the lawful scope of practice of the health care professional.

Source: MS Code Ann. § 45-14-11

Rule 6.1.4 Application for Registration of Tanning Facilities.

1. Each person having a tanning facility shall apply for registration of such facility with the Agency within thirty (30) days following the effective date of these regulations or thereafter prior to the operation of a tanning facility. Application for registration shall be completed on forms furnished by the Agency and shall contain all the information required by the form and the accompanying instructions.
2. The Agency shall require at least the following information on the Application for Registration of Tanning Facilities form:
 - a. Name, address and telephone number of the following:
 - i. the tanning facility;
 - ii. the owner(s) of the tanning facility
 - b. The manufacturer, model number, and type of each ultraviolet lamp or tanning equipment located within the facility.
 - c. Name of the tanning equipment supplier, installer, and service agent.
 - d. A signed and dated certification that the applicant has read and understands the requirements of these regulations.
 - e. A copy of operating and safety procedures unique to facility operation.
 - f. A copy of the certificate from a state approved training program showing satisfactory completion of Formal Operator Training.
3. Each applicant shall provide such additional information as the Agency may reasonably require.

Source: MS Code Ann. § 45-14-11

Rule 6.1.5 Issuance of Certificate of Registration.

1. Upon determination that an applicant meets the requirements of these regulations, the Agency shall issue a certificate of registration. The certificate of registration shall be displayed in a conspicuous location that is visible to the customer and on the premises of the tanning facility.
2. The Agency may incorporate in the certificate of registration at the time of issuance or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the registrant's receipt, possession, use, and transfer of tanning equipment and tanning facilities as it deems appropriate or necessary.
3. No person shall operate a tanning facility until the Agency has issued the certificate of registration and been paid the appropriate fee of \$40 per bed or booth.

Source: MS Code Ann. § 45-14-11

Rule 6.1.6 Expiration of Certificate of Registration. Except as provided in 6.1.7 (2), each certificate of registration shall expire at the end of the specified day in the month and year stated therein.

Source: MS Code Ann. § 45-14-11

Rule 6.1.7 Renewal of Certificate of Registration.

1. Application for renewal of registration shall be filed in accordance with 6.1.4.
2. In any case in which a registrant, not less than 30 days prior to the expiration of his existing certificate of registration, has filed an application in proper form for renewal, such existing certificate of registration shall not expire until the application status has been finally determined by the Agency.

Source: MS Code Ann. § 45-14-11

Rule 6.1.8 Report of Changes. The registrant shall notify the Agency in writing before making any change which would render the information reported pursuant to 6.1.4(2)(a), (b) and (c) contained in the application for registration and/or the certificate of registration, no longer accurate. This requirement shall not apply to changes involving replacement of designated original equipment lamp types with lamps which have been certified with the FDA as "equivalent" replacement of the lamps. The facility owner shall maintain manufacturer's literature demonstrating the equivalency of any replacement lamps.

Source: MS Code Ann. § 45-14-11

Rule 6.1.9 Transfer of Certificate of Registration. No certificate of registration shall be transferable from one person to another or from one tanning facility to another.

Source: MS Code Ann. § 45-14-11

Rule 6.1.10 Approval Not Implied. No person, in any advertisement, shall refer to the fact that their facility is registered with the Agency pursuant to the provisions of 1.4, and no person shall state or imply that any activity under such registration has been approved by the Agency.

Source: MS Code Ann. § 45-14-11

Rule 6.1.11 Denial, Suspension, or Revocation of Certificate of Registration. The Agency may, for good cause shown, deny, suspend or revoke a certificate of registration sought or issued pursuant to these regulations for any of the following reasons:

1. Failure of reports, plans or specifications to show that the tanning facility will be constructed, operated or maintained in accordance with the requirements of these regulations;
2. Submission of incorrect, false or misleading information in the application, reports, plans, or specifications;
3. Failure to construct, operate or maintain the tanning facility in accordance with the application, plans and specifications approved by the Agency except as such maintenance may involve the replacement of lamps by "equivalent" lamps which have been defined in 1.8;
4. Operation of the tanning facility in a way that causes or creates a nuisance or hazard to the public health or safety;
5. Violation of any rules, regulations, standards, or requirements adopted by the Agency;
6. Violation of any condition upon which the certificate of registration was issued;
7. Failure to allow duly authorized agents of the Agency to conduct inspections at reasonable hours and in a reasonable manner;
8. Failure to pay any registration or inspection fees within 30 days upon receipt of the invoice.
9. Failure of the tanning equipment to comply with the Federal Performance Standard for Sunlamp Products and Ultraviolet Lamps intended for use in Sunlamp Products 21 CFR 1040.20.

Rule 6.1.12 Hearing: If any certificate of registration is denied, suspended, or revoked, the applicant or registrant may request a hearing in accordance with Chapter 45-14-21, Mississippi Code of 1972, Annotated.

Source: MS Code Ann. § 45-14-11

Rule 6.1.13 **Construction and Operation of Tanning Facilities.** Unless otherwise ordered or approved by the Agency, each tanning facility shall be constructed, operated, and maintained to meet the following minimum requirements:

1. **Physical Facilities**

- a. The following warning sign shall be posted in the immediate proximity (within 1 meter) of each piece of tanning equipment and it shall be readily legible, clearly visible, and not obstructed by any barrier, equipment, or other item present so that the user can easily view the warning sign before energizing the tanning equipment:

DANGER - ULTRAVIOLET RADIATION

- b. Follow instructions.
- c. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer.
- d. Wear FDA compliant protective eyewear.
- e. **FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES.**
- f. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician before using sunlamps, indoor tanning beds or booths if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight.
- g. If you do not tan in the sun, you are unlikely to tan from the use of this product.
- h. The lettering on each warning sign shall be at least ten (10) millimeters high for all words showing in capital letters and at least five (5) millimeters high for all lowercase letters. A consumer notification providing the consumer the name and address of the Agency so that in case of an injury the consumer can contact the Agency.
- i. Only tanning equipment manufactured and certified to comply with 21 CFR Part 1040, Chapter 1040.20, "Sunlamp products and ultraviolet lamps intended for use in sunlamp products", shall be used in tanning facilities. Compliance shall be based on the standard in effect at the time of manufacture as shown on the device identification label required by 21 CFR Part 1010, Chapter 1010.3.

- j. Each tanning equipment shall have a timer which complies with the requirements of 21 CFR Part 1040, Chapter 1040.20(c)(2). The maximum timer interval shall not exceed the manufacturer's maximum recommended exposure time. No timer interval shall have an error greater than $\pm 10\%$ of the maximum timer interval for the product.
- k. The timer shall not automatically reset and cause radiation emission to resume for a period of greater than the unused portion of the timer cycle when emission from the tanning device has been interrupted.
- l. Each tanning device shall be equipped with a user or consumer accessible on/off switch and an emergency shut-off mechanism to allow manual termination of the UV exposure as required by 21 CFR 1040.20(c)(3).
- m. Each tanning device shall have labels as noted in 21 CFR 1040.20(d)(1)(i-vi).
- n. Tanning equipment shall meet the National Fire Protection Association's National Electrical Code.
- o. There shall be physical barriers to protect consumers from injury induced by touching or breaking the lamps.
- p. Additional requirements for stand-up booths:
 - i. There shall be physical barriers or other means such as handrails or floor markings to indicate the proper exposure distance between ultraviolet lamps and the consumer's skin.
 - ii. The construction of the booth shall be such that it will withstand the stress of use and the impact of a falling person.
 - iii. Access to the booth shall be of rigid construction. Doors shall open outwardly. Handrails and nonslip floors shall be provided.
- q. Tanning equipment electrical circuitry shall be approved by the Underwriter Laboratories (UL) or Electrical Testing Laboratories (ETL).

2. **Protective Eyewear**

- a. Each consumer shall be provided with protective eyewear and instructions for their use.
- b. Protective eyewear shall meet the requirements of 21 CFR Part 1040, Section 1040.20 (c)(4).
- c. Protective eyewear shall be properly sanitized before each use with a sanitizing agent which is registered by the EPA and mixed to the appropriate

concentration. Exposure to the ultraviolet radiation produced by the tanning equipment itself is not considered a sanitizing agent.

- d. Tanning facility operators shall instruct the consumer in the proper utilization of the protective eyewear required by this section and each consumer shall wear the protective eyewear as instructed.

3. **Operation**

- a. A tanning registrant shall only allow operation of the tanning equipment by those who have successfully completed a formal operator training course that has been pre-approved by the Agency.
- b. Tanning equipment shall only be operated when a trained tanning operator is present at the tanning facility.
- c. Prior to initial exposure each consumer shall be provided the opportunity to read a copy of the warning specified in 6.1.12 (1)(a). The operator shall then request that the consumer sign a statement that the information has been read and understood. For illiterate or visually handicapped persons, the warning statement shall be read by the operator in the presence of a witness. Both the witness and the operator shall sign the statement.
- d. A record shall be kept by the facility operator of each consumer's total number of tanning visits and total accumulated exposure times.
- e. A written report of any tanning injury shall be forwarded to the Agency within five [5] working days of the occurrence or knowledge thereof. The report shall include:
 - i. The name of the affected individual;
 - ii. The name and location of the tanning facility involved;
 - iii. The nature and circumstance of the alleged injury;
 - iv. The name and address of health care provider, if any; and
 - v. Any other information considered relevant to the situation.
- f. No consumer under fourteen years of age shall be allowed to use a tanning device at a tanning facility unless the child's parent or legal guardian has provided written consent to the tanning facility and the parent or guardian is physically present at the facility the entire time the child uses the tanning device. The parent or guardian shall sign the consent form in the presence of the operator of the tanning facility and that consent may be revoked at any time by the parent or guardian. The parent or guardian shall be provided with the basic information required under 6.1.12.

- g. Consumers fourteen years of age or older but under eighteen years of age shall not be allowed to use a tanning device at a tanning facility unless the child's parent or legal guardian has provided written consent to the tanning facility. The parent or guardian shall sign the consent form in the presence of the operator of the tanning facility and that consent may be revoked at any time by the parent or guardian. The parent or guardian shall be provided with the basic information required under 6.1.12.
- h. Defective or burned-out lamps or filters or lamps at the end of their useful UV emitting life shall be replaced with a type intended for use in that device as specified on the product label on the tanning equipment, or, with lamps or filters that are "equivalent" under the FDA regulations and policies applicable at the time of lamp manufacture.
- i. Each operator must be adequately trained by a pre-approved formal training course as required by the Agency. Proof of training must be maintained in the facility and available for inspection. Training shall include:
 - i. the requirements of these regulations;
 - ii. procedures for correct operation of the facility;
 - iii. recognition of injury or overexposure;
 - iv. manufacturer's procedures for operation and maintenance of tanning equipment;
 - v. emergency procedures in case of overexposure or injury;
 - vi. written material which covers the required subjects, such as a training manual; audio-visual presentations which cover the required subjects such as slides or videos; copies of the regulations and Title 21 CFR 1040.20; and a question and answer period for trainees;
 - vii. procedures for correct cleaning, sanitizing and operation of the tanning device including proper care and use of protective eyewear;
 - viii. biological effects of ultraviolet radiation, maximum allowable time of exposure, photosensitivity and determination of human skin types as it relates to compliant use of the FDA recommended exposure schedule;
 - ix. review and explanation of the lamp compatibility for tanning equipment.
- j. A list of operators trained in accordance with 6.1.12(3)(i) shall be maintained and available at the facility.

- k. A list of photosensitizing agents shall be posted in each area where tanning equipment is located and shall be explained to the consumer on their initial visit and periodically.

Source: MS Code Ann. § 45-14-11

Rule 6.1.14 Enforcement and Penalties. An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued there under. Any person who willfully violates any provisions of the Act, or any regulation, or order issued there under, may be guilty of a misdemeanor and, upon conviction, may be punished by fine or imprisonment or both, as provided by Section 45-14-37 of the Act.

Source: MS Code Ann. § 45-14-11

Rule 6.1.15 Communications. All communications and reports concerning these regulations, and applications filed there under, should be addressed to the Office of Environmental Health at its office located at 570 East Woodrow Wilson Blvd., P. O. Box 1700, Jackson, Mississippi, 39215-1700.

Source: MS Code Ann. § 45-14-11

CHAPTER 7 FEES

Rule 7.1.1 Fees necessary to support program functions shall be assessed as follows:

- 1. Correctional Facility Sanitation Inspection Fee.....\$500.00

SOURCE: Miss. Code Ann. § 41-3-15