



**DENVER**  
THE MILE HIGH CITY

**City and County of Denver  
Rules and Regulations to Minimize Transmission of HIV and STD's in Certain  
Establishments**

Adopted by the Board of Environmental Health on November 9, 2006

Amends and Supersedes the Rules and Regulations to Minimize Transmission of HIV and STD's  
in Certain Establishments, Adopted by the Board of Environmental Health on April 10, 1997.

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## Purpose

The following rules and regulations shall be applied for the protection of public health to minimize transmission of HIV and other STD's in certain establishments where sexual contact may occur. Sections of these Rules and Regulations may not apply to establishments where the intent of the business does not include sexual contact.

## Policy

It is the policy of the Department of Environmental Health to promote and encourage environments that contribute to the health, safety, protection and well-being of the occupants of the City and County of Denver. To verify compliance with standards intended to ensure such an environment, the department requires thorough and ongoing appraisals of certain regulated establishments.

## Definitions:

**“Approved”** means satisfactory to the Manager based on determination of conformance with applicable, documented standards and good health practices.

**“Board”** means the Board of Environmental Health of the City and County of Denver

**“Contaminated”** means the presence or reasonably anticipated presence of blood, infectious materials or other types of impure materials that have corrupted a surface or item through contact.

**“Cleanable”** means a surface free of major pits and inclusions where cleaning can be completed using simple equipment or tools, such as cloths, mops, and brushes.

**“Code”** means the Denver Revised Municipal Codes of the City and County of Denver

**“Department”** means the Department of Environmental Health.

**“Disinfect”** means to destruct or inhibit pathogenic microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

**“Disinfectant”** means an EPA registered environmental disinfectant proven to be effective against HBV and HIV or a 1:100 dilution of normal strength household bleach and water made fresh daily and dispensed from a spray bottle.

**“DRMC”** means the Revised Municipal Code of the City and County of Denver.

**“Easily Cleanable”** means a surface that is readily accessible and fabricated/constructed of such material and finish so that residues can be effectively removed by normal cleaning methods.

**“Employee or Personnel”** means any person working in a regulated establishment who engages in activities related to the daily operation of the establishment.

**“Equipment”** means an article used in the operation of the establishment such as but not limited to benches, lockers, mattresses, bedding, pillows, and slings.

**“Hazard”** means a biological, chemical or physical property that might cause an unacceptable consumer health risk.

**“High Hazard Body Fluid”** means those body fluids, such as blood, feces, urine, semen, vomit, sputum, and mucous that presents an increased risk for illness transmission.

**“HIV”** means Human Immunodeficiency Virus

**“Law”** means applicable local, state, and federal statutes, regulations, and ordinances.

**“Linens”** means fabric items such as towels, clothes hampers, sheets and pillow cases.

**“Manager”** means the Manager of the Department of Environmental Health and the manager’s authorized representative.

**“Monitoring”** means observation of activities to assure that safety of the customer.

**“Owner” or “Operator”** means the owner or designated business operator (i.e. business manager) of the regulated establishment

**“Person”** means a natural person, partnership, association, company, corporation, or other legal entity or a manager, agent, servant, officer or employee of any of them.

**“Person in Charge”** means the individual present at a regulated establishment who is responsible for the operation at the time of inspection. If no individual is responsible, then an employed person present is the person in charge.

**“Physical Facilities” or “Establishment”** means the structure and interior surfaces of a regulated establishment including attachments, such as light fixtures and heating or air conditioning system vents.

**“Poisonous or Toxic Material”** means substance not intended for personal care and included in one of four categories:

- A. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
- B. Pesticides, which include substances such as insecticides and rodenticides;
- C. Substances necessary for the operation and maintenance of the establishment that may be deleterious to health;
- D. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises.

**“Premises”** means the physical establishment, its contents, and the contiguous land or property and its facilities and contents that may impact personnel, facilities and operations.

**“Regulated Establishment”** means an establishment conducting business in the City and County of Denver where public health officials have reason to believe that unsafe sexual activities take place; including but not limited to bathhouses, adult book stores, adult movie theaters, hot tub and spa establishments, and massage parlors.

**“Sexually Transmitted Disease” or “STD”** means a disease transmissible through sexual contact; oral, anal, or vaginal.

**“Sharps”** means any object (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa including but not limited to pre-sterilized, single-use needles and razor blades.

**“Sharps Container”** means a puncture resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal that is labeled with the International Biohazard Symbol.

**“Unsafe Sexual Activity”** means sexual activities which are likely to result in the transmission of HIV or other STD’s. These activities include but are not limited to the exchange of infected bodily fluids through unprotected anal, oral, or vaginal intercourse.

### **Section 1: Owner/Operator Responsibility:**

1. The owner/operator of a regulated establishment must take reasonable steps to inhibit unsafe sexual activities in the establishment.
2. The owner/operator shall designate a person that is “in-charge,” during all hours that the establishment is open for business.
3. The owner/operator shall provide access to prophylactics, including but not limited to:
  - A. Condoms (free of charge)
  - B. Lubricant
4. The owner/operator shall post signs, posters and other information that:
  - A. Describes the risks of and listing unsafe sexual activities that may contribute to the transmission of HIV and STDs, in a format approved by the manager of the Department of Environmental Health,
  - B. Indicates where customers can contact the department regarding health, safety and sanitation issues in the establishment,
  - C. Is clearly visible to customers, in prominent locations, and in every private room inside the establishment.
5. The owner/operator shall deny entry to any patron suspected of being intoxicated. Any person observed using an illicit drug must be immediately expelled from the establishment.
6. The owner/operator shall post notification of increased potential infections or potential disease transmissions resulting from unsafe sexual activities in the establishment.

7. The owner/operator shall be responsible for assuring complaints are documented, reported and resolved. This includes:
  - A. Customers that wish to lodge a complaint to the Department shall be provided with the Department's contact information.
  - B. Customers requesting information on STD and HIV transmission, screening or other health issues shall be provided resource information.
  - C. Remediation of any complaint received. An incident report shall be completed, maintained on site, and made available to the department upon request. An incident report shall contain the following information:
    1. Name of customer(s) involved (any *volunteered* information)
    2. Time and Date of Incident
    3. Description of incident.
    4. Action taken by the owner, operator, or person in charge
8. The owner/operator shall have a written, Department approved plan for customers to obtain HIV and STD testing and counseling services.

**Section 2: Personnel Rules/Policies:**

1. Personnel must be at least 18 years old and possess valid picture identification.
2. Personnel must be trained about and knowledgeable of the establishment's rules and policies.
3. Personnel must be provided with the following department approved training:
  - A. Universal Precautions
  - B. Training regarding HIV and STD transmission
4. Personnel must sign a statement that they have read, are trained, understand, and will comply with the policies of the establishment and the rules and regulations governing the operation of the Establishment.
5. Personnel training records shall be maintained on-site and be available for review by the department.

**Section 3: Cleaning, and Maintenance of the Establishment:**

1. The owner/operator of the establishment shall maintain the establishment in compliance with all applicable rules, regulations and ordinances to not pose a hazard to employee and customer health, i.e. Zoning, Building, Fire, Excise and Licenses and Environmental Health.
2. A written and documented cleaning schedule shall be maintained and be made available for inspection upon request of the department.

3. Lighting equivalent to at least five (5) foot candles as measured three feet above the level of the floor shall be provided throughout the entire establishment.
4. Hand washing sinks shall be supplied with hot and cold running water, under pressure, and soap and paper hand towels or dispensed hand sanitizer.
5. Covered waste receptacles shall be provided in public areas and emptied as necessary
6. Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The clean cloth items shall be stored in a dry, clean environment until placed into use.
7. Bedding must be changed, as it becomes contaminated with high hazard body fluids, between customers or upon customer request. Mattresses/foam pads and pillows must be double covered or other department approved covering to protect the items from high hazard body fluid contamination. Pads/mattresses and coverings must be cleaned, disinfected, and removed from use until there is no further reasonable hazard of communicable disease transmission, when contaminated with high hazard body fluids.
8. Reusable contaminated items, such as linens, towels, rugs, etc., shall be stored separate from clean laundry in a washable bag or container. The bag or container must be laundered with the cloth items or cleaned and disinfected each time it is emptied.
9. Carpet must be tightly woven, maintained clean and vacuumed at least daily. Other types of flooring used shall be non-porous and easily cleanable.
10. All areas of the establishment shall be cleaned and disinfected, as needed, to remove high hazard body fluid contamination. Surfaces must be cleaned of the matter and then disinfected with a department approved disinfectant solution.
11. Pools, spas, saunas and steam rooms shall be maintained in a clean and sanitary manner and comply with applicable rules and regulations.
12. Chemicals, toxicants and any other hazardous items must be stored in a safe manner, away from clean linens or other items that may come in contact with the skin of personnel or customers and stored according to the label instructions.
13. Safety equipment, also known as personal protective equipment, shall be provided for employees to use to clean the establishment in accordance with OSHA 29 CFR 1910.1030. Safety equipment includes but is not limited to:
  - A. Latex/vinyl gloves, rubber gloves and finger cots
  - B. Masks
  - C. Eye protection/guards
  - D. Apron or other covering

E. Any additional items for compliance with regulations enforced by the Occupational Health and Safety Administration, 29 CFR 1910.1030.

14. Customers shall have access to potable drinking water, free of charge, and from an approved water fountain or dispenser. If water is dispensed from a source other than a water drinking fountain, the dispenser shall be easily cleanable and supplied with single use cups.
15. Animals are prohibited from the establishment. Guide and service animals accompanying blind, visually handicapped, partially deaf or otherwise physically disabled persons or animals training for this purpose shall be permitted in customer and office areas.

#### **Section 4: Demonstrations, Entertainment and Special Events:**

1. Live adult entertainment, demonstrations, and special events must comply with applicable rules, regulations and ordinances.
2. Entertainment and entertainers must be licensed and comply with all applicable ordinances of the City and County of Denver.

#### **Offenses and Penalties:**

Any person, firm, or corporation who violates any of these rules or regulations shall be guilty of an offense and shall be subject to penalty as provided in Section 1-13 of the Revised Municipal Code of the city and county of Denver

Any establishment or part of establishment not maintained and determined to be unfit for human habitation may be required to be vacated, in accordance with DRMC Article V, Sec. 24-152.

If the Manager of the Department of Environmental Health finds that a regulated establishment poses an imminent threat to the health and safety of its customers due to a flagrant violation or repeated violation of these Rules and Regulations, the Manager may order a summary closure of the establishment for a period not to exceed ten (10) days, pending further investigation.

#### **Severability:**

If any provision of any of these Rules and Regulations or its application to any person or circumstances is held invalid, unconstitutional, void, or inoperative, such a holding shall not affect other provisions or applications of these rules and regulations. The Board of Environmental Health hereby declares that the provisions of these Rules and Regulations are severable and that the remaining provisions of the rules and regulations would have been adopted notwithstanding such holding.

#### **Saving Clause:**

The repeal or amendment of any rule or regulations shall not affect or impair any right to cause of action arising under the provisions or provisions so repealed or amended and no fine or other penalty shall be abrogated by the amendment of these rules and regulations.