

BODY ART CODE AND GUIDELINES



Western Plains
PUBLIC HEALTH

Western Plains Public Health

TABLE OF CONTENTS

Section I: Definitions	1 - 4
Section II: Body Art Operator/Technician Requirements & Professional Standards	4 - 5
Section III: Exemptions:	5 -
6	
Section IV: Public Notification Requirements	6
Section V: Client Records	6 - 7
Section VI: Records Retention	7
Section VII: Preparation and Care of the Body Art Area	7
Section VIII: Sanitation and Sterilization Procedures	7
Section IX: Requirements for Single-use Items	8
Section X: Requirements for Premises	8 - 9
Section XI: Permit Requirements	10 - 12
Establishment	
Operator	
Temporary	
Section XII: Temporary Demonstration Permit Requirements	12
Section XIII: Mobile Body Art Establishments	12
Section XIV: Prohibitions	13 - 14
Section XV: Enforcement	14
Section XVI: Suspension or Revocation of Permits	14 - 15
Section XVII: Interpretation and Severability	15

WESTERN PLAINS PUBLIC HEALTH BODY ART CODE AND GUIDELINES

I. DEFINITIONS

The following terms used in these regulations shall be defined as follows:

- 1.1 **“AFTERCARE”** means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.
- 1.2 **“ANTISEPTIC”** means an agent that destroys disease-causing micro-organisms on human skin or mucosa.
- 1.3 **“BODY ART”** means the practice of physical body adornment by permitted establishments and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, which shall not be performed in a body art establishment. Nor does this definition include, for the purpose of this Code, piercing of the outer perimeter or lobe of the ear with presterilized single-use stud-and-clasp ear-piercing systems.
- 1.4 **“BODY ART ESTABLISHMENT”** means any place or premise, whether public or private, temporary or permanent, in nature or location, where the practices of body art, whether or not for profit, are performed.
- 1.5 **“BODY PIERCING”** means puncturing or penetration of the skin of a person with presterilized single-use needles and the insertion of presterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system shall not be included in this definition.
- 1.6 **“CONTAMINATED WASTE”** means any liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as “Occupational Exposure to Bloodborne Pathogens.”
- 1.7 **“COSMETIC TATTOOING”** see **“TATTOOING”**
- 1.8 **“DEPARTMENT”** means Western Plains Public Health (WPPH), and its authorized representatives.
- 1.9 **“DISINFECTION”** means the destruction of disease-causing micro-organisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- 1.10 **“EAR PIERCING”** means the puncturing of the outer perimeter or lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system following manufacturer’s instructions.

Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

1.11 **“EQUIPMENT”** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

1.12 **“HAND WASHING SINK”** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

1.13 **“HOT WATER”** means water that attains and maintains a temperature of at least 100 degrees F.

1.14 **“INSTRUMENTS USED FOR BODY ART”** means hand pieces, needles, needle bars, and other instruments that may come in contact with a client’s body or may be exposed to bodily fluids during body art procedures.

1.15 **“INVASIVE”** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break, or compromise the skin or mucosa.

1.16 **“JEWELRY”** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and which has been properly sterilized prior to use.

1.17 **“LIQUID CHEMICAL GERMICIDE”** means a disinfectant or sanitizer registered with the U.S. Environmental Protection Agency or an approximately 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, ¼ cup per gallon or 2 tablespoons per quart or tap water).

1.18 **“MOBILE BODY ART ESTABLISHMENT/UNIT”** means a mobile establishment or unit which is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal which operates at a fixed location where a permitted operator performs body art procedures for more than 14 days in conjunction with a single event or celebration.

1.19 **“OPERATOR/TECHNICIAN”** means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.

1.20 **“PERMIT”** means written approval by WPPH to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

1.21 **“PERSON”** means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

1.22 **“PHYSICIAN”** means a person licensed by the state to practice medicine in all its branches and may include other areas such as dentistry, osteopathy, or acupuncture, depending on the rules and regulations particular to the state of North Dakota.

1.23 **“PROCEDURE SURFACE”** means any surface of an inanimate object that contacts the client’s unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

1.24 **“SANITIZATION PROCEDURE”** means a process of reducing the numbers of micro-organisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by WPPH.

1.25 **“SHARPS”** means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, persterilized, single-use needles; scalpel blades; and razor blades.

1.26 **“SHARPS CONTAINER”** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the international biohazard symbol.

1.27 **“SINGLE USE”** means products or items that are intended for on-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

1.28 **“STERILIZATION”** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

1.29 **“TATTOOING”** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

1.30 **“TEMPORARY BODY ART ESTABLISHMENT”** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

1.31 **“UNIVERSAL PRECAUTIONS”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as “Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public –Safety Workers” in *Morbidity and Mortality Weekly Report (MM WR)*, June 23, 1989, Vol.38, No. S-6, and as “Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures”, in *MMWR*, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include handwashing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood-and body fluid-contaminated products.

II. **BODY ART OPERATOR/TECHNICIAN REQUIREMENTS AND PROFESSIONAL STANDARDS**

2.1 The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department:

- a. employee information
 1. full names and exact duties;
 2. date of birth;
 3. gender;
 4. home address;
 5. home/work phone numbers;
 6. identification photos of all body art operator/technicians.
- b. establishment information
 1. establishment name;
 2. hours of operation;
 3. owner's name and address.
- c. A complete description of all body art procedures performed.
- d. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
- e. A copy of these regulations.

2.2 It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.

2.3 The body art operator/technician must be a minimum of 18 years of age.

2.4 Smoking, eating, or drinking is prohibited in the area where body art is performed.

2.5 Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician, is under the influence of alcohol or drugs.

2.6 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before, performing body art procedures, operators/technicians must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

2.7 In performing body art procedures, the operator/technician shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any nonclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for handwashing procedures as part of a good personnel hygiene program.

2.8 If, while performing a body art procedure, the operator's/technician's glove is pierced, torn, or otherwise contaminated, the procedure delineated in section 2.7 shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see 2.7 above) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

2.9 Contaminated waste, as defined in this code, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the international biohazard symbol. It must then be disposed of by a waste hauler approved by the Department or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Bloodborne Pathogens". Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste onsite shall not exceed the period specified by the department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030, whichever is less.

2.10 No person shall perform any body art procedure upon a person under the age of 18 years without the presence, consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent.

2.11 Any skin or mucosal surface to receive a body art procedure shall be free of rash or any visible infection.

2.12 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

2.13 Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

III. EXEMPTIONS

3.1 Physicians licensed by the State of North Dakota who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from these regulations.

3.2 Individuals who pierce only the outer perimeter and lobe of the ear with a presterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations. Individuals who use ear-piercing systems must conform to the manufacturer's directions on use and applicable U.S. Food and Drug Administration requirements. The Department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

IV. PUBLIC NOTIFICATION REQUIREMENTS

4.1 Verbal and written public educational information, approved by the Department, shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the Department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling and shall contain the name, address, and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a

Disclosure Statement, provided by the Department, which advises the public of the risks and possible consequences of body art services. The facility permit holder shall also post in public view the name, address and phone number of the local/state Department that has jurisdiction over this program and the procedure of filing a complaint. The Disclosure Statement and the Notice for Filing a Complaint shall be included in the establishment Permit Application Packet.

4.2 All infections, complications, or diseases resulting from any body art procedure that become known to the operator shall be reported to the Department by the operator within 24 hours.

V. CLIENT RECORDS

5.1 So that the operator/technician can properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the operator or technician shall ask for the information as follows:

So your body art procedure heals properly, we ask that you disclose if you have or have had any of the following conditions:

- a. diabetes;
- b. history of hemophilia (bleeding);
- c. history of skin disease, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
- d. history of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;
- e. history of epilepsy, seizures, fainting, or narcolepsy;
- f. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.

5.2 The operator/technician should ask the client to sign a Release Form confirming that the above information was obtained or that the operator/technician attempted to be obtained. The client should be asked to disclose any other information that would aid the operator/technician in evaluating the client's body art healing process.

5.3 Each operator shall keep records of all body art procedures administered, including date, time, identification and location of the body art procedure(s) performed, and operator's name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon notification.

5.4 Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

VI. RECORDS RETENTION

6.1 The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, the name of the operator who performed the procedure(s), type and location of procedure performed, and signature of client, and, if the client is a minor, proof of parental or guardian presence and consent, i.e. signature. Such records shall be retained for a minimum of three (3) years and shall be available to the Department upon request. The Department and the body art establishment shall keep such records confidential.

VII. PREPARATION AND CARE OF THE BODY ART AREA

7.1 Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or

an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

7.2 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste (see definition).

VIII. SANITATION AND STERILIZATION PROCEDURES

8.1 All non-single-use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's instructions, to remove blood and tissue residue, and shall be placed in an ultrasonic unit also operated in accordance with manufacturer's instructions.

8.2 After being cleaned, all nondisposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 8.3). All peel-packs shall contain either a sterilized indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.

8.3 All cleaned, nondisposable instruments used for body art shall be sterilized in a steam autoclave or dry-heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.

8.4 Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.

8.5 All reusable needles used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

8.6 All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

8.7 All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The

mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quality of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

IX. REQUIREMENTS FOR SINGLE-USE ITEMS

9.1 Single-use items shall not be used on more than one client for any reason. After use, all single-use needles, razors, and other sharps shall be immediately disposed of in approved sharps containers.

9.2 All products applied to the skin, including body art stencils, shall be single use and disposable. If the Department approves, acetate stencils shall be allowed for reuse if sanitization procedures (see definition in 1.23) are performed between uses. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

X. REQUIREMENTS FOR PREMISES

10.1 Body art establishments applying after adoption of this code shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department, as part of the Permit Application process. The Department may charge a reasonable fee, as set from time to time by the Board of Health, for this review.

10.2 All walls, floors, ceilings, and procedure surfaces of a body art establishment shall be smooth, free of open holes and cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client. All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces.

10.3 Effective measures shall be taken by the body art operator to protect against entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.

10.4 There shall be a minimum of 45 square feet of floor space for each operator in the establishment. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.

10.5 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

10.6 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.

10.7 A separate, readily accessible hand wash sink with hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.

10.8 At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.

10.9 All instruments and supplies shall be stored in clean, dry, and covered containers.

10.10 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

XI. PERMIT REQUIREMENTS

A. Establishment Permit

11.1 No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art establishment except with a body art establishment permit from the Department.

11.2 Any person operating a body art establishment shall obtain an annual permit from the Department.

11.3 The applicant shall pay a reasonable fee as set by the Department for each body art establishment permit.

11.4 A permit for a body art establishment shall not be transferable from one place or person to another.

11.5 A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

11.6 The holder of a body art establishment permit must only hire operators who have complied with the operator permit requirements of this code.

B. Operator Permit

11.7 No person shall practice body art procedures without first obtaining an operator permit from the Department. The operator permit fee shall be as set by the Board of Health of WPPH and as reviewed from time to time.

11.8 The operator permit shall be valid from the date of issuance and shall automatically expire in two (2) years from the date of issuance unless revoked sooner by the Department in accordance with Section 13.

11.9 Application for an operator permits shall include:

- a. name;
- b. date of birth;
- c. sex;
- d. residence address;
- e. mailing address;
- f. phone number;
- g. place(s) of employment as an operator;
- h. training and/or experience;
- i. proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department.

11.10 No operator permit shall be issued unless, following reasonable investigation by the Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this code.

11.11 All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this code.

11.12 All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

C. Temporary Establishment/Operator Permit

11.13 Temporary establishment permits and, when required, operator permits may be issued for body art services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows or education.

- a. Temporary operator and/or establishment permits will not be issued unless
 1. the applicant furnishes proof of compliance with sections A and B above relating to operators' permits;
 2. the applicant is currently affiliated with a fixed location or permanent facility which, where applicable, is permitted by the appropriate state and/or local jurisdiction; and
 3. the temporary site complies with Section 12, "Temporary Demonstration Permit Requirements", of this code.
- b. In lieu of attendance at a bloodborne pathogens training program given by the Department within the past three (3) years as specified in Section B above, the applicant may furnish proof of attendance at equivalent training which is acceptable to the Department.
- c. Temporary permits expire after 14 days or the conclusion of the special event, whichever is less.
- d. Temporary operator and/or establishment permit will not be issued unless the applicant has paid a reasonable fee as set by the Department.
- e. Temporary establishment/operator permit shall not be transferable from one place or person to another.

- f. Temporary establishment/operator permit shall be posted in a prominent and conspicuous area where they may be readily seen by clients.

XII. TEMPORARY DEMONSTRATION PERMIT REQUIREMENTS

12.1 A temporary permit may be issued by the Department for educational, trade show or product demonstration purposes only. The permit may not be good for more than 14 calendar days.

12.2 A person who wishes to obtain a temporary demonstration permit must submit the request in writing for review by the Department, at least thirty days prior to the event. The request should specify

- a. the purpose for which the permit is requested;
- b. the period of time during which the permit is needed (not to exceed 14 calendar days per event), without reapplication;
- c. the fulfillment of operator requirements as specified in Section XI, subsection C;
- d. the location where the temporary demonstration permit will be used.

12.3 The applicant's demonstration project must be contained in a completely enclosed, nonmobile facility (e.g., inside a permanent building).

12.4 Compliance with all of the requirements of this code includes but is not limited to the following:

- a. Conveniently located handwashing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing codes is to be provided. Tuberculocidal single-use hand wipes, approved by the department, to augment the handwashing requirements of this section must be available in each booth/cubicle.
- b. A minimum of 80 square feet of floor space shall be provided;
- c. There shall be at least 100 foot candles of light at the level where the body art procedure is being performed;
- d. Facilities to properly sterilize instruments- and evidence of a spore test performed on sterilization equipment 30 days or less prior to the date of the event, must be provided; or only single-use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed.
- e. Ability to properly clean and sanitize the area used for body art procedures is required.

12.5 The facility where the temporary demonstration permit is needed must be inspected by the Department and a permit issued prior to the performance of any body art procedures.

12.6 Temporary demonstration permits issued under the provisions of this code may be suspended by the Department for failure of the holder to comply with the requirements of this code.

12.7 All establishment and operator permits and the disclosure notice must be readily seen by clients.

XIII. MOBILE BODY ART ESTABLISHMENTS

In addition to complying with all of the requirements of this code, mobile body art vehicles and operators/technicians working from a mobile body art establishment shall also comply with all of the following requirements.

13.1 Mobile body art establishments are permitted for use only at special events, lasting 14 calendar days or less. Permits must be obtained at least 14 day prior to the event, and no body art procedures are to be performed before a permit is issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

13.2 Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.

13.3 The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight fitting. Openable windows shall have tight fitting screens.

13.4 Mobile body art establishments must have approved sterilization equipment available, in accordance with all requirements of Section VIII, "Sanitation and Sterilization Procedures".

13.5 The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art work station is separated by walls, floor to ceiling, from culinary or domicile areas.

13.6 The mobile body art establishment shall be equipped with an equipment-washing sink and a separate hand wash sink for the exclusive use of the operator/technician for handwashing and preparing the client for the body art procedures. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and storage (in gallons) of the tank(s) shall also be identified. Tuberculocidal single-use hand wipes, approved by the Department, to augment the handwashing requirements of this section, must be available.

13.7 All liquid wastes shall be stored in an adequate storage tank with a capacity at least 50 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.

13.8 Restroom facilities must be available within the mobile body art establishment. A hand wash sink must be available inside the restroom cubicle. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as liquid soap and paper towels in dispensers. Restroom doors must be self-closing, and adequate ventilation must be available.

13.9 All body art operator/technicians working in a mobile body art establishment must have an operator permit and comply with the operator requirements of this code.

13.10 No animals, except service animals of clients shall be allowed in the mobile body art establishment at any time.

13.11 Mobile body art establishments must receive an initial inspection at a location specified by the Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.

13.12 All mobile body art establishment and operator permits, as well as the disclosure notice, must be readily seen by clients.

XIV PROHIBITIONS

The following acts are prohibited:

14.1 It is prohibited to perform body art on any body part of a person under the age of 18 without the written consent and presence of the parent or legal guardian of such minor. This consent is to be given in person to the body artist or responsible person at the facility by the parent or legal guardian at the time the tattooing or piercing is to commence. Photographic identification of the parent or legal guardian is required.

14.2 It is prohibited to perform body art on a person who, in the opinion of the operator, is inebriated or appears to be under the influence of alcohol or drugs.

14.3 It is prohibited to own, operate, or solicit business as a body art establishment or operator without first obtaining all necessary permits and approvals from the Department, unless specifically exempted by this code.

14.4 It is prohibited to obtain or attempt to obtain any body art establishment or operator permit by means of fraud, misrepresentation, or concealment.

XV. ENFORCEMENT

15.1 Establishments operating at the time of the enactment of this code shall be given a prescribed amount of time to make application to the Department and comply with these regulations. Establishments that continue to operate without proper permits from the Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.

15.2 A representative of the Department shall properly identify him- or herself before entering a body art establishment to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this code.

15.3 It is unlawful for any person to interfere with the Department in the performance of its duties.

15.4 A copy of the inspection report must be furnished to the permit holder or operator of the body art establishment, with the Department retaining possession of the original.

15.5 If, after investigation, the Department should find that a permittee or operator is in violation of this code, the Department may advise the permittee or operator, in writing, of its findings and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed 30 days.

15.6 If the Department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the owner or operator, the Department may do any or all of the following:

- a. Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health.
- b. Issue an order to immediately suspend the permit of the licensed establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

XVI. SUSPENSION OR REVOCATION OF PERMITS

16.1 Permits issued under the provisions of the code may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this code.

16.2 Whenever a permit holder or operator has failed to comply with any notice issued under the provision of this code, the operator must be notified in writing that the permit is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within the time specified by law.

16.3 Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within 10 days of receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension have been corrected and submission of the appropriate reinspection fees, the Department shall reinspect the body art establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this code, the permit will be reinstated.

16.4 For repeated or serious (any code infraction that threatens the health of the client or operator) violations of any of the requirements of this code or for interference with Department personnel in the performance of their duties, a permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing relative thereto.

16.5 The Department may permanently revoke a permit after five (5) days following service of the notice unless a request for a hearing is filed within the five (5) day period with the Department by the permit holder.

16.6 The hearings provided for in this section must be conducted by the Department at a time and place designated by the operator. On the basis of the record of the hearing, the Department shall make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder or operator by the Department.

XVII. INTERPRETATION AND SEVERABILITY

17.1 In the interpretation of this code, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where the context so dictates.

17.2 In the event any particular clause or section of this code should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

First hearing: _____

Second hearing: _____

Be it known by all men that this ordinance or code is hereby passed and in full effect and force
this _____ day of _____, 2006.

John Grunseth, DDS
President, Board of Health