UTAH COUNTY HEALTH DEPARTMENT

REGULATIONS FOR

BODY ART FACILITIES

REGULATION 99-02

ADOPTED BY THE UTAH COUNTY BOARD OF HEALTH

4 January 1999

UNDER THE AUTHORITY OF SECTION 26A-1-114
UTAH CODE UNANNOTATED , 1998

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Utah County Health Department

REGULATIONS FOR BODY ART FACILITIES

The Utah County Health Department recognizes its responsibility to prevent disease and improve the health of the citizens of Utah County. As such, the standards that regulate any of the practices defined as Body Art do not imply either approval or endorsement of such practices by this department.

1.0 Definitions

For the purpose of these regulations and unless otherwise defined in other sections of these regulations, the following terms, phrases and words shall have the meaning herein expressed.

1.1 **ANTISEPTIC** means an agent that destroys or inhibits disease causing microorganisms on human skin or mucosa.

1.2 **APPROVED** means acceptable to the Director of the Utah County Health Department (UCHD).

1.3 **BLOOD BORNE PATHOGENS** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

1.4 **BODY ART** means the practice of physical body adornment by the permitted establishments, operators, and registered body art technicians utilizing, but not limited to, the following techniques: body piercing, tattooing, permanent cosmetics, branding, and scarification. This definition does not include practices that are considered medical procedures by the state medical board, such as implants under the skin, which shall not be performed by a body art facility.

1.5 **BODY ART TECHNICIAN** means any person who is registered with the UCHD who controls, operates, manages, conducts, or practices body art procedures at a body art facility and who is responsible for compliance with these regulations, whether actually performing body art procedures or not.

1.6 **BLOOD EXPOSURE INCIDENT** means piercing the skin through such events as needle sticks, cuts, and abrasions from material contaminated with blood from a client, or eye, mouth, other mucous membrane, or non-intact skin contact with blood or blood-contaminated material from a client.

1.7 **BODY PIERCING** means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration. This includes but is not limited to, piercing of the lip, tongue, nose, eyebrow, or navel. Body piercing does not, for the purpose of these regulations, include piercing the ear rim (tubercle and helix), or ear lobe with a sterile, disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

1.8 **BRANDING** means burning the skin with a heated metal wire, iron, rod, or stencil with the intent of producing a permanent scar or mark.

1.9 **CONTAMINATED** means the presence or reasonably anticipated presence of blood, body fluid or other potentially infectious materials in or on the surface of an item.

1.10 **CONTAMINATED WASTE** means any contaminated material generated during body art procedures that is to be disposed of.

1.11 **DIRECTOR** means the Director of the UCHD or his authorized representative.

1.12 **EXPOSURE CONTROL PLAN** means a written plan, applying to all those who perform tattooing, application of permanent cosmetics, body piercing, branding or scarification within a facility, describing how the applicable requirements of these regulations will be implemented. It is designed to eliminate or minimize employee and client exposure to blood borne pathogens and other communicable diseases.

1.13 **FACILITY** means any room, shop, or space, where body art procedures are performed.

1.14 **INSTRUMENT** means tattooing, permanent cosmetics, body piercing, branding, or scarification equipment. Such equipment includes, but is not limited to needles, needle bars, needle tubes, forceps, hemostats, tweezers, pliers, blades, scalpels, branding wires, irons, rods or stencils or other implements used to insert pigment, pierce, puncture, burn, cut, or be inserted into any part of the human body for the intended purpose of making a tattoo, permanent hole, or scar. Such equipment also includes studs, hoops, rings, or other decorative jewelry, materials or apparatuses inserted into any part of the body for the intended purpose of placement in a hole resulting from piercing.

1.15 **MINOR** means any person under the age of 18 (eighteen) years.

1.16 **OWNER/OPERATOR** means and includes every person having ownership, control or custody of any place of business or employment.

1.17 **PERMANENT COSMETICS** means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, lip color, or areola color.

1.18 **PERMANENT HOLE** means a hole produced by piercing or puncturing any part of the body, with instruments intended to leave an opening in body tissue(s) into which an appropriate device or apparatus may be inserted. Permanent hole would include any body part newly pierced or punctured which is undergoing a healing process; and, any piercing whether or not removal of a device or apparatus from the perforation would result in fusing or healing of the tissue or skin structures.

1.19 **PERMIT** means written approval by the UCHD to operate a body art facility. Approval is given in accordance with these regulations, and is separate from any other licensing requirements that may exist within the local jurisdiction.

1.20 **PIERCING GUN** means a handheld tool that shall be used exclusively for piercing the ear lobe and rim, into which single-use, pre-sterilized studs and clutches are placed and inserted into the ear by hand squeezed or spring loaded action to create a permanent hole. The tool must be made of plastic, stainless steel or other material that is able to be disinfected.

1.21 **PROCEDURE AREA** means the immediate area where instruments and supplies are placed during a procedure.

1.22 **PURCHASED PRE-STERILIZED** means instruments or procedure set-ups that are sold individually packaged and sterilized . Each package shall have an auditable sterilization lot number from a sterilization facility.

1.23 **REGISTRATION** means the applicant has complied with all the requirements of the UCHD and has received a Certificate of Registration.

1.24 **SANITIZATION** means effective bactericidal and virucidal treatment of clean equipment surfaces by a process that has been approved by the UCHD as being effective in destroying or significantly reducing the number of pathogens. It is not the same as sterilization.

1.25 **SCARIFICATION** means cutting the skin with a sharp instrument with the intent of producing a permanent scar or mark.

1.26 **STERILIZATION** means the destruction of all living organisms including spores.

1.27 **TATTOOING** means inserting pigment under the surface of the skin by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. This includes but is not limited to, camouflage, stencil designs and free hand designs.

1.28 **WORKSTATION** means an area that is set up to perform body art procedures. A workstation can be a separate room or an area that can be screened to insure privacy when performing body art procedures on discrectionary areas of the body.

2.0 Purpose

It is the purpose of these regulations to regulate Body Art Facilities, tattooing, permanent cosmetics, body piercing, scarification, and branding in a manner that will protect the public health, safety and welfare; prevent the spread of disease; and prevent the creation of a nuisance within Utah County.

3.0 Jurisdiction of the Utah County Health Department

All body art procedures shall be subject to the direction and control of the UCHD.

4.0 Powers and Duties

The UCHD, by the Director, shall be responsible for the administration of these regulations and any other powers vested in it by law and shall:

4.1 Require the submission of plans and specifications for body art facilities as necessary to implement the provisions of these regulations.

4.2 Issue such permits and certificates of registration and charge such fees as necessary to implement the provisions, requirements, and standards of these regulations.

4.3 Make inspections of body art facilities and issue orders necessary to effect the purposes of these regulations.

4.4 Take samples and make analyses or tests of pigments, dyes or inks, instruments, sterilizing devices, and equipment or require the testing of the same; and

4.5 Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

5.0 Scope

It shall be unlawful for any person, owner, operator, or body art technician, not to comply with any regulation promulgated by the UCHD, unless expressly waived by these regulations.

6.0 Closing a Body Art Facility

6.1 Any body art facility that fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety, or welfare, may be closed by the UCHD.

6.2 Any person, body art technician, employee, operator, or owner that fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety, or welfare, may be prohibited from working in a body art facility.

6.3 The UCHD shall give notice in writing to the owner or operator of the body art facility being closed.

6.4 No owner or operator whose body art facility has been closed, shall perform body art procedures on any person or instruct any person in body art procedures until written approval is received from the UCHD.

7.0 Body Art Facility Permitting and Renewal

7.1 No person shall operate a body art facility without a permit issued by the UCHD. The body art facility permit shall be posted in a conspicuous place on the premises of the facility.

7.2 The UCHD shall issue a body art facility permit to any person who:

(A) Files an application in the form and manner prescribed by the UCHD;
(B) Pays the permit fee prescribed by the UCHD;
(C) Demonstrates compliance with all safety, sanitation and sterilization requirements adopted by the UCHD by regulation; and
(D) Complies with all other requirements established by the UCHD.

7.3 A permit issued under this section expires annually and may be renewed upon application to the UCHD, payment of the established renewal fee, and compliance with the requirements of any applicable regulations.

7.4 A body art establishment in existence on the effective date of these regulations shall obtain a permit within thirty (30) days of adoption of these regulations.

7.5 All other new body art facilities shall obtain a permit prior to beginning operation.

8.0 Body Art Technician Registration and Renewal

8.1 No person shall perform body art procedures without a certificate of registration issued by the UCHD. The certificate of registration shall be prominently displayed to the public, at the technicians's workstation, in every body art facility where the technician performs body art procedures. A person engaged in the piercing of the leading edge or earlobe of the ears is exempt from registration requirements.

8.2 The UCHD shall issue a body art technician certificate of registration to any person who:

(A) Is at least eighteen (18) years of age;
(B) Files an application in the form and manner prescribed by the UCHD;
(C) Pays the registration fee prescribed by the UCHD;
(D) Affirms by written signature on a form prescribed by the UCHD receipt of:
(1) A copy of these regulations;
(2) A copy of the written notification for clients advising of the risks and possible consequences of body art procedures; and
(3) A disclosure statement to be posted in public view within the permitted body art facility;
(E) Can document protection against hepatitis B (HBV) in the form of:
(1) certification of completed vaccination or,
(2) laboratory evidence of immunity **or**
(F) Files a certificate of vaccination declination for HBV. The declination for vaccination shall be kept on file in the body art facility and made available during inspection;
(G) Successfully completes UCHD approved Exposure Control Training as outlined in Section 18.
(H) Complies with all other requirements established by the UCHD.

8.3 A certificate of registration issued under this section shall state that registration does not attest to the body art technician's qualifications based on training or education, nor does the certificate of registration validate minimum competency to perform body art procedures.

8.4 A certificate of registration issued under this section expires annually and may be renewed upon application to the UCHD, payment of the established fee, and compliance with the requirements of any applicable regulations.

8.5 A body art technician who is currently performing body art procedures on the effective date of these regulations shall obtain a certificate of registration within thirty (30) days of adoption of these regulations.

8.6 All other new body art technicians shall obtain a certificate of registration before performing any body art procedures.

9.0 Facility Permit and Certificate of Registration Fees

9.1 The fee for each permit and certificate of registration shall be based on the reasonable expenses incurred by the UCHD to review plans and specifications, conduct inspections, and act upon the permit or registration application.

9.2 The fee for a body art facility permit and body art technician certificate of registration shall be approved by the Utah County Board of Health.

9.3 No permit or certificate of registration fee is refundable for any reason.

10.0 Facility Permits and Certificates of Registration Non-Transferrable

10.1 No permit shall be transferrable from one body art facility, owner, or operator to another. An ownership change requires a new permit.

10.2 No certificate of registration shall be transferrable from one body art technician to another.

11.0 Denial, Suspension, or Revocation of Approval of Facility Permit or Certificate of Registration

Any facility permit or certificate of registration issued pursuant to these regulations may be denied, suspended, or revoked by the Director for any of the following reasons:

11.1 Failure of the reports, plans, or specifications to show that the body art facility will be constructed, operated, or maintained in accordance with the requirements and standards of these regulations;

11.2 Submission of incorrect or false information in the application, reports, plans, or specifications;

11.3 Failure to construct, operate, or maintain the body art facility in accordance with these regulations, or the application, reports, plans, and specifications approved by the UCHD;

11.4 Operation of the body art facility in a way that causes or creates a nuisance or hazard to the public health, safety, or welfare;

11.5 Violation of any rules, restrictions, or requirements adopted by the UCHD;

11.6. Violation of any condition upon which the facility permit or certificate of registration was issued;

11.7 Failure to pay the facility permit or certificate of registration fee; or

11.8 Failure of the owner or operator of a body art facility to permit or allow the UCHD to conduct inspections to determine compliance with these regulations.

If any facility permit or certificate of registration is denied, suspended, or revoked, or a body art facility is closed, the applicant may request a hearing within ten (10) calendar days of such action. The hearing shall be held before the Director within ten (10) calendar days after the request. Within ten (10) calendar days after the hearing, the UCHD shall send written notice to all parties of the decision of the Director and the reasons therefor.

12.0 Plan Review Required

12.1 Construction and operation of a body art facility shall not be initiated before plans and specifications have been reviewed by the UCHD, and no significant modification shall be made in any body art facility or the operation of the facility without the approval of the UCHD.

12.2 Plans and specifications shall be submitted to the UCHD for review. The UCHD may charge a reasonable fee for this review. The plans and specifications shall include the following:

(A) The name and address of the body art facility;
(B) The name of the owner(s) and operator(s) and all registered body art technicians and their current home addresses and telephone numbers;
(C) The hours of operation of the body art establishment;
(D) The square footage and general floor plan of the body art facility;
(E) A complete finish schedule detailing construction materials for floors, walls, ceilings, counters, and shelving;
(F) The location and availability of toilet and hand washing facilities;
(G) A complete description of the equipment, instruments, and materials that will be used;
(H) A complete description of the body art procedures to be used;
(I) A complete description of the sterilization procedures to be used;
(J) The name, content, and source of pigments, dyes, and inks;
(K) The name and composition of all body piercing jewelry;
(L) Any other information specifically requested by the UCHD to ensure compliance with these regulations.

13.0 Clients

13.1 No tattoo, or permanent cosmetic shall be applied to any person under eighteen (18) years of age, regardless of parental consent, except when authorized or prescribed by a physician.

13.2 Persons under eighteen (18) years of age may receive body piercing provided they are accompanied by their parent or guardian. The parent or guardian shall have valid picture identification. Branding, scarification, and nipple, tongue, and genital piercing, are prohibited on minors regardless of parental consent.

13.3 Before administering a tattoo, permanent cosmetic, scarification or branding procedure, the client must be advised that brands, scars, permanent cosmetics or any other tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that any effective removal may leave scarring. Written information to this effect shall be included on the consent form to apply tattoos, permanent cosmetics, brands, or scars.

13.4 Tattooing, permanent cosmetics, body piercing, scarification, or branding shall not be performed on skin surfaces which have sunburn, rash, pimples, infection, open lesions, or manifest any evidence of unhealthful conditions.

13.5 Body art procedures may not be performed on any person who is impaired by drugs, alcohol or impaired in any other way in the judgement of the owner/operator.

13.6 No body art procedures may be performed on a pregnant woman unless approved by a physician.

14.0 Facility Owner Responsibilities

The facility owner or operator of any body art facility shall:

14.1 Allow any duly authorized representative of the UCHD, after proper identification, to enter during business hours, any body art facility within his/her jurisdiction, to inspect, and make as many additional inspections or re-inspections as are necessary for the enforcement of these regulations.

14.2 Be responsible for all registered body art technicians complying with all health, safety, sanitation and sterilization regulations and standards of the UCHD.

14.3 Require each individual within the facility providing body art procedures to be registered with the UCHD.

14.4 Maintain a list of registered body art technicians providing services at the facility for review by the representative of the UCHD during inspections.

14.5 The owner(s) or operator(s) of a body art facility shall notify the UCHD in writing of any change in their names(s), address(es) or telephone number(s) or such changes of their employees.

14.6 Develop and ensure compliance with the Exposure Control Plan as specified in Section 17. A copy of the plan must be available at all times for use and inspection.

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

15.0 Facility Requirements

15.1 All floors, walls, ceilings, counters, and shelving shall be made of smooth, nonabsorbent and nonporous material that is easily cleanable. Concrete blocks or other masonry used in wall construction shall be covered or made smooth and sealed for a washable surface.

15.2 Adequate toilet facilities shall be provided in accordance with the specifications of the International Plumbing Code and any other local ordinances. A hand sink must be located inside the restroom facility and shall be supplied with liquid hand cleanser and single-use paper towels or other approved hand-drying device.

15.3 The premises shall be constructed and maintained in a state of good repair at all times to prevent insect and rodent infestation.

15.4 The establishment shall be well ventilated and be provided with an artificial light source equivalent to at least twenty (20) foot-candles.

15.5 At least fifty (50) foot-candles of artificial light shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

15.6 All surfaces, including but not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets in the service areas and cleaning room shall be made of smooth, non-absorbent, non-porous materials to allow for easy cleaning.

15.7 All facilities shall have the waiting area separated from the workstations and the cleaning room or area. A public restroom shall be available to clients during all business hours.

15.8 If body art procedures and nail and hair procedures are performed simultaneously, workstations shall be separated by an appropriate barrier in such a manner as to prevent contact with irritants including, but not limited to hair spray and nail dust.

15.9 Hand sinks with hot and cold running water shall be located in each work area. It is recommended that all hand sinks be operated by wrist or knee action. Hand sinks shall be supplied with liquid soap and single-use paper towels from sanitary dispensers. If there are two or more work stations within a room, all may share the hand sink. A work station in a separate room shall include a hand sink.

15.10 The cleaning room or area shall have a separate sink reserved for instrument clean up activities only.

15.11 No owner or operator shall use a body art facility for housing, shelter, or harboring, or permit the same to be used as living or sleeping quarters by employees or other persons.

15.12 A body art facility cannot be located within 600 feet of the property of any public or private K-12 school unless approved by the Director.

15.13 Water supply shall be from an approved source.

15.14 Sewage, including liquid wastes, shall be disposed of in a public sewer or, in absence thereof, in an on-site waste water disposal system approved by the UCHD.

16.0 Housekeeping Standards

All body art facilities shall meet the following criteria:

16.1 All areas shall be kept neat, clean and in good repair.

16.2 All surfaces and equipment (chairs, work stations, counters, client recliners, or dispensers) in the procedure area shall be made of smooth, non-absorbent, non-porous material that can withstand repeated disinfection.

16.3 An Environmental Protection Agency (EPA) registered disinfectant or germicide (iodophor, phenolic, or alcohol containing germicide, or a 1:100 dilution of household bleach and water (two (2) tablespoons of bleach in one (1) quart of water)) shall be used after cleaning to disinfect any surface contaminated with blood or body fluids.

16.4 The cleaning room or area shall be set up in a manner to provide distinct, separate areas for cleaning equipment, and for the handling and storage of sterilized equipment. The cleaning area sink shall be reserved for instrument cleaning only and shall not be used as a janitorial or hand sink.

16.5 Large capacity ultrasonic cleaning units shall be clearly labeled biohazardous and placed away from the sterilizer and workstations. All ultrasonic cleaners shall be cleaned and maintained according to manufacturer's specifications.

16.6 Adequate foot-operated receptacles shall be provided in each workstation for disposal of trash and debris.

16.7 Each work station shall have an approved sharps container that is rigid, and puncture and leak proof for disposal of sharp objects that come into contact with blood or body fluids.

16.8 The procedure area and client chair/table must be wiped down with an EPA registered sanitizer or germicide using a single-use paper towel before and after serving each client.

16.9 All germicides and sanitizers must be used according to the manufacturer's recommendations.

16.10 All chemicals shall be properly labeled and stored.

16.11 Pets or other animals shall not be permitted in the facility. Trained guide or assistance animals for the disabled and fish in aquariums in the waiting area are exempted.

17.0 Exposure Control Plan

The owner of every body art facility shall establish a written Exposure Control Plan applying to all those who perform body art procedures within a facility, describing how the applicable requirements of these regulations will be implemented.

The Exposure Control Plan shall contain at least the following elements:

The method of implementation for each of the following applicable sections of these regulations
(13)Clients, (15) Facility Requirements, (16) Housekeeping Standards,
(19)Approved Sterilization Equipment and Monitoring Methods,
(20)Sterilization and Set-Up, (21) Contaminated Wastes, (22) Tattooing,
(23) Permanent Cosmetics, (24) Body Piercing, and (25) Branding and Scarification

18.0 Exposure Control Training Requirements

18.1 All persons registered with the UCHD to perform body art procedures must receive exposure control training in a UCHD approved course.

18.2 All body art technicians who are performing body art procedures at the effective date of these regulations must receive exposure control training within one year and must update that training at least every three years thereafter.

18.3 All new body art technicians wishing to register with the UCHD must first receive exposure control training and must update that training at least every three years thereafter.

18.4 Additional training must be completed when changes such as modification of procedures or institution of new procedures affect the practitioner's or client's exposure. The additional training may be limited to addressing the new exposures created.

18.5 Material appropriate in content and vocabulary to educational level and literacy of trainees shall be used.

18.6 The training program shall contain, at a minimum, the following elements.

(A) An accessible copy of these and other applicable regulations and standards and an explanation of their contents;

(B) A general explanation of the epidemiology and symptoms of blood borne diseases and other exposures appropriate for the practice of the trainee;

(C) An explanation of the modes of transmission of blood borne pathogens and other communicable diseases appropriate for the practice of the trainee;

(D) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for either the body art technician, the client, or both;

(E) An explanation of the use and limitations of methods that will prevent or reduce exposure to both the body art technician and the client;

(F) Information on the types, proper use, and removal of gloves and proper hand washing techniques;

(G) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, and the benefits of being vaccinated;

(H) An explanation of what constitutes a blood exposure incident, the risk of disease transmission following a blood exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs, specific to each blood borne pathogen;

(I) An opportunity for interactive questions and answers with the person conducting the training session.

18.7 The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace that the training will address.

19.0 Approved Sterilization Equipment and Monitoring Methods

Instruments used in body art procedures shall be properly cleaned and packaged in sterilizer bags with a color change indicator and then sterilized in a sterilizer that meets the following requirements:

19.1 Is sold as sterilizing equipment for medical instruments.

19.2 Has been approved by the UCHD.

19.3 Is used, cleaned and maintained according to the manufacturer's specifications.

19.4 Is tested at least monthly (unless otherwise specified by manufacturer) by using a commercial biological monitoring (spore) system to assure that all microorganisms, including spores, have been destroyed. Biological indicator test results shall be maintained for three (3) years and must be available for inspection at all times.

20.0 Sterilization and Set-Up

20.1 Contaminated non-disposable instruments including, but not limited to needle tubes, needle caps, body piercing tubes or other instruments that are contaminated shall be immersed in liquid in the cleaning area or room until cleaned and sterilized.

20.2 Before being sterilized, all instruments shall first be manually cleaned, and then shall be thoroughly cleaned in an ultrasonic cleaner following manufacturer's instructions.

20.3 After cleaning, non-disposable instruments shall be packaged into procedure set-ups with color change indicators or packaged individually in peel-packs with color change indicators. All packages shall be dated and initialed by the preparer. If a sterilized package has been breached or allowed to get wet, the instrument(s) shall be re-packaged and re-sterilized before use.

20.4 After sterilization, the instruments shall be stored in a dry, clean cabinet or other tightly covered container reserved for storage of sterile instruments.

20.5 A record of sterilization procedures must be maintained.

20.6 Wearing new, clean disposable examination gloves, the body art technician shall use proper technique to assemble, without contamination, all instruments and supplies to be used in the procedure. All sterilized instruments shall remain in sterile packages until opened in front of the client. If a glove is pierced, torn or contaminated by contact with any non-clean surface, both gloves must be properly removed and discarded. The gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning the next pair of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as a part of a good personal hygiene program.

21.0 Contaminated Wastes

Contaminated wastes generated by a body art facility shall be classified into two categories:

(A) Contaminated sharps, which means any contaminated object that can penetrate the skin including, but not limited to, tattoo needles, permanent cosmetic needles, piercing needles and razors, shall be placed in an approved sharps container which shall be sealed and disposed of properly.

(B) Other contaminated waste, meaning waste other than contaminated sharps, which include contaminated gauze, wipes, tissues, unused dyes and inks, and other non-sharp(s) used in body art procedures shall be double-bagged, securely tied and disposed of daily in a covered trash container. This material shall be disposed of at an approved site by a licensed solid waste hauler.

22.0 Tattooing

22.1 The skin of the tattoo artist shall be free of rash or infection. No person with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art facility in any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

22.2 Before the procedure is started, the tattoo artist shalt discuss all the topics on the UCHD approved information and consent form for application of a tattoo. The client shall fill out and sign the form. One copy of the form shall be retained by the shop; the other copy shall be given to the client upon request. The tattoo artist must also explain all aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written aftercare instructions.

22.3 The tattoo artist shall not smoke, eat or drink at the workstation or cleaning room during or between procedures.

22.4 The tattoo artist shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infections or exposure to service related chemicals or wastes. Following thorough washing, hands shall be dried using clean, single use paper towels.

22.5 The tattoo artist shall wear new, clean disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

22.6 The tattoo artist shall use new disposable drapes, lap cloths, or aprons for each client. All drapes, lap cloths, and aprons shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day.

22.7 All substances used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.

22.8 When a work station rinse cup is used alone or in an ultrasonic cleaner, the cup and solution must be changed after each client.

22.9 All tattooing needles shall be single use, packaged and sterilized, and shall be disposed of immediately after use in an approved sharps container.

22.10 Single-use ointment tubes, applicators and supplies shall be discarded after the tattoo procedure.

22.11 All pre-sterilized instruments to be used in the tattooing procedure shall be opened in front of the client.

22.12 The use of hectographic or single-service tissue stencils shall be required for applying a tattoo outline to the skin. The use of acetate or other multi-use stencils is prohibited.

22.13 When the design is drawn free hand, single-use, non-toxic markers or other devices shall be used.

22.14 Individual portions of inks, dyes or pigments in single-use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure.

22.15 If inks, dyes or pigments are prepared by the tattoo artist, only non toxic, non-contaminated materials shall be used.

22.16 Excess ink, dye or pigment applied to the skin during tattooing shall be removed with a clean single-use paper product.

22.17 Immediately before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or disinfectant or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

22.18 Before placing the design on the skin, the tattoo artist shall clean any area other than the face with germicidal soap, and if necessary, shave off any hair with a disposable, single-use safety razor, then apply the stencil. The area shall be cleaned during and after the procedure with an antimicrobial soap that has been applied with a single-use paper product. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used and discarded after each use, and the reusable holder shall be sterilized in an approved sterilizer after each use. Following shaving, the skin and surrounding area shall be washed with an antimicrobial soap and water or an EPA-approved antiseptic solution applied with a clean, single-use paper product.

22.19 The stencil shall be applied with the antimicrobial soap or some other approved product dispensed from a container in a manner that does not contaminate the unused portion.

22.20 After the procedure a thin coat of antibiotic cream or sterile petroleum jelly may be applied using a fresh Q-tip, cotton ball, sterile applicator, or glove.

22.21 The tattooed area shall then be covered with clean gauze or other suitable bandaging material that is held in place with a suitable skin tape.

22.22 Upon completion of the procedure, aftercare instructions shall be reviewed with the client. Aftercare shall consist of both verbal and written instructions concerning proper care of the tattooed skin. Instructions shall specify:

(A) Responsibilities and care following the tattoo procedure.
(B) Possible side effects.
(C) Restrictions.
(D) Signs and symptoms of an infection.
(E) Instructions to call the body art facility and a physician if infection occurs.
(F) All infections, complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the UCHD within 24 hours.

23.0 Permanent Cosmetics

23.1 The skin of the permanent cosmetics technician shall be free of rash or infection. No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infections shall work in any area of a body art facility in any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

23.2 Before the procedure is started, the permanent cosmetics technician shall discuss all topics on the UCHD approved client information and consent form for the application of a permanent cosmetic procedure. The client shall fill out and sign the form. One copy of the form shall be retained by the shop; the other copy shall be given to the client upon request. The permanent cosmetics technician must also discuss all aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written aftercare instructions.

23.3 The permanent cosmetics technician shall not smoke, eat or drink at the work station or cleaning area during or between procedures.

23.4 The permanent cosmetics technician shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single-use paper towels.

23.5 The permanent cosmetics technician shall wear new, clean, disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

23.6 The permanent cosmetics technician shall use new disposable drapes, lap cloths, or aprons for each client. All drapes, lap cloths, and aprons shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day.

23.7 All substances, including but not limited to pigments and dyes, used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.

23.8 All permanent cosmetic needles shall be single-use, packaged, and sterilized, and shall be disposed of immediately after use in an approved sharps container.

23.9 The permanent cosmetic technician shall not be required to have an ultrasonic cleaner and a medical grade sterilizer if only individually packaged, sterile, single-use, needle chambers, machine tips, machine casings, and combo couplers are used. If any instruments are reused, they must first be manually cleaned, and then thoroughly cleaned in an ultrasonic cleaner and finally, sterilized in a medical grade sterilizer.

23.10 If a manual device is used, it shall be single-use and disposable. The device shall be sterilized before use, and discarded in a sharps container at the end of the procedure.

23.11 The use of some rotary pens (also called cosmetic machines) is permitted. Any rotary pen that uses a sponge at the opening of chamber to stop the pigment or body fluids from getting into the machine or is designed in a manner that doesn't allow it to be properly cleaned and sterilized shall not be permitted.

23.12 Only rotary pens that have detachable, disposable, sterile combo couplers and detachable, disposable or autoclavable casings that can be cleaned and sterilized can be used. Pre-sterilized needles shall be used in all procedures.

23.13 The use of any traditional coil machine shall be permitted providing the permanent cosmetic technician has a shop with an ultrasonic cleaner and medical grade sterilizer to clean and sterilize the needle bars and the needle tubes.

23.14 Disposable sterile machine tips, combo couplers, needles, needle chambers, and casings shall not be re-used.

23.15 Fresh pigment and disposable pigment containers shall be used for each client. Used pigment and pigment containers shall be discarded after each client.

23.16 Immediately before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or sanitizer or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

23.17 Before application of permanent cosmetics, the immediate and surrounding area of the skin where the cosmetics are to be applied shall be washed with an antimicrobial soap and water or an EPA-approved antiseptic solution applied with a clean single-use paper

product. If shaving is necessary, single-use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be sterilized in an approved sterilizer after each use. Following shaving, the skin and surrounding area shall be washed with an antimicrobial soap and water or an EPA-approved antiseptic solution applied with a clean, single-use paper product.

23.18 All disposable items such as cotton balls, Q-tips, tissue, water cups, new or used that have come into contact with the procedure table/chair, or work area shall be discarded into a closed container lined with a plastic bag and removed at the end of the day.

23.19 After the procedure a thin coat of antibiotic cream or sterile petroleum jelly may be applied using a fresh Q-tip, cotton ball, sterile applicator, or glove.

23.20 Upon completion of the procedure, aftercare instructions shall be reviewed with the client. Aftercare shall consist of both verbal and written instructions concerning proper care of the skin. The instructions shall specify:

(A) Responsibilities and care following a permanent cosmetic procedure.
(B) Possible side effects.
(C) Restrictions.
(D) Signs and symptoms of infection.
(E) Instructions to call the body art facility and a physician if infection occurs.
(F) All infections, complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the UCHD by the operator within 24 hours.

24.0 Body Piercing

24.1 The skin of the body piercer shall be free of rash or infection. No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infections shall work in any area of a body art facility in any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

24.2 Before beginning any body piercing procedure, the body piercer shall discuss the risks and responsibilities required in the particular piercing with the client. The client shall fill out and sign a client information and consent form for body piercing. One copy of the form shall be retained by the facility and the other copy shall be given to the client upon request. The body piercer must also explain aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written aftercare instructions.

24.3 The body piercer shall not smoke, eat or drink at the work station or cleaning room during or between procedures.

24.4 The body piercer shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single-use paper towels.

24.5 The body piercer shall wear new, clean, disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

24.6 The body piercer shall use new disposable dental bibs or drapes for each client. All drapes and dental bibs shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day.

24.7 Piercing guns shall not be used to pierce body parts other than the ear lobe or ear rim (tubercle and helix).

24.8 All body piercing needles shall be single-use, sterilized, disposable piercing needles slightly larger or of the same gauge as the jewelry or ornaments to be inserted, and disposed of immediately after use in a sharps container.

24.9 All instruments shall be properly cleaned and sterilized in bags with color indicator strips. Each bag shall be dated and initialed by the person preparing the instruments.

24.10 All forceps, hemostats, tubes, etc. shall be properly cleaned and sterilized in individual bags using a UCHD approved sterilizing device.

24.11 All non-sterilizable instruments such as calipers shall be nonporous and sanitized after each use with an appropriate sanitizer.

24.12 Only new, pre-sterilized and packaged jewelry or ornaments shall be used for piercing. Ear studs or other jewelry designed for ears shall not be used in other parts of the body.

24.13 Only jewelry made of implant grade, ASTM F-138-97 or ISO 5832-1 stainless steel, or solid 14K through 24K gold, or other materials approved by the UCHD shall be used in newly pierced skin.

24.14 Immediately before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or sanitizer or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

24.15 Before piercing, the immediate and surrounding area of the skin which is to be pierced shall be washed with an EPA approved antiseptic solution applied with a clean, single-use paper product. If shaving is necessary, single-use, disposable razors, or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be sterilized in an approved sterilizer after each use. Following shaving, the skin and surrounding area shall be washed with an EPA-approved antiseptic solution applied with a

clean, single-use paper product.

24.16 Upon completion of the piercing, the body piercer shall review verbal and printed instructions with the client on the care of the body opening created by the piercing to minimize the likelihood of infection. Aftercare instructions shall specify:

(1) Care specific to the site of the piercing.
(2) Information regarding tightness to prevent accidental ingestion or imbedding of certain jewelry if appropriate.
(3) Restrictions.
(4) Signs and symptoms of infection.
(5) Instructions to call the body art facility and a physician if infection occurs.
(6) All infections, complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the UCHD by the operator within 24 hours.

25.0 Branding and Scarification

25.1 The skin of the body art technician shall be free of rash or infection. No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infections shall work in any area of a body art facility in any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

25.2 Before the procedure is started, the body art technician shall discuss all topics on the UCHD approved client information and consent form for the application of a branding or scarification procedure. The client shall fill out and sign the form. One copy of the form shall be retained by the shop; the other copy shall be given to the client upon request. The body art technician must also discuss all aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written aftercare instructions.

25.3 The body art technician shall not smoke, eat or drink at the work station or cleaning area during or between procedures.

25.4 The body art technician shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single-use paper towels.

25.5 The body art technician shall wear new, clean, disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

25.6 The body art technician shall use new disposable drapes, lap cloths, or aprons for each client. All drapes, lap cloths, and aprons shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day.

25.7 All substances used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.

25.8 All blades and scalpels shall be single-use, packaged and sterilized, and shall be disposed of immediately after use in an approved sharps container.

25.9 All instruments used to create a scar or brand must be composed of stainless steel or other materials approved by the UCHD.

25.10 The body art technician shall not be required to have an ultrasonic cleaner and a medical grade sterilizer if only individually packaged, sterile, single-use branding rods, wires, or irons are used. If any instruments are reused, they must first be manually cleaned, and then thoroughly cleaned in an ultrasonic cleaner and finally, sterilized in a medical grade sterilizer.

25.11 Immediately before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or sanitizer or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

25.12 Before proceeding with branding or scarification, the immediate and surrounding area of the skin where the brand or scar is to be created shall be washed with an antimicrobial soap and water or an EPA approved antiseptic solution applied with a clean single use paper product. If shaving is necessary, single-use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be sterilized in an approved sterilizer after each use. Following shaving, the skin and surrounding area shall be washed with an antimicrobial soap and water or an EPA approved antiseptic solution applied with a clean, single-use paper product.

25.13 All disposable items such as cotton balls, Q-tips, tissue, water cups, new or used that have come into contact with the procedure table/chair, or work area shall be discarded into a closed container lined with a plastic bag and removed at the end of the day.

25.14 After the procedure a thin coat of antibiotic cream or sterile petroleum jelly may be applied using a fresh Q-tip, cotton ball, sterile applicator, or glove.

25.15 Upon completion of the procedure, aftercare instructions shall be reviewed. Aftercare shall consist of both verbal and written instructions concerning proper care of the skin. The instructions shall specify:

(A) Responsibilities and care following a branding or scarification procedure.
(B) Possible side effects.
(C) Restrictions.
(D) Signs and symptoms of infection.

(E) Instructions to call the body art facility and a physician if infection occurs.

(F) All infections, complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the UCHD by the operator within 24 hours.

26.0 Notice

26.1 If the Director inspects any body art facility and determines that the body art facility is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give notice of the violation(s) to the owner(s) or operator(s) or other responsible person(s) thereof.

26.2 Prior to initiating a court complaint for the violation of these regulations, the Director shall issue a notice pursuant to Section 26.1 and shall:

(A) describe the property;

(B) give a statement of the cause for its issuance;

(C) set forth an outline of the remedial action that complies with the provisions of these regulations; and

(D) set a reasonable time for the performance of any required remedial act.

26.3 The Director shall serve notice upon the owner(s) of the body art establishment or other responsible person(s) pursuant to Sections 26.1 and 26.2 of these regulations. Service shall be deemed complete if the notice is served in one of the following ways:

(A) served in person;

(B) sent by certified mail to the last known address of the owner(s) or other responsible person(s); or

(C) published in a newspaper of general circulation.

27.0 Enforcement

27.1 It shall be the duty of the Director upon the presentation of proper credentials, to make inspections of any property where the body art establishment is located as is necessary to ensure compliance with these regulations.

27.2 Departmental inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.

27.3 Upon request, the owner(s) or other responsible person(s) of any body art facility shall give a report setting forth all facts found that relate to compliance with these regulations.

28.0 Right to Appeal

Within 10 (ten) calender days after the UCHD has given a notice of violation(s), any person(s) aggrieved by the notice may request, in writing, a hearing before the UCHD. The hearing shall take place within 10 (ten) calenders days after the request. A written notice of the Director's final determination shall be given within 10 (ten) calender days after the adjournment of the hearing. The Director may sustain, modify, or reverse the action or order.

29.0 Penalty

29.1 Any person who is found guilty of violating any of the provisions of these regulations , either by failing to do those acts required herein, or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Unannotated, 1998. If a person is found guilty of a subsequent similar violation within 2 (two) years, he or she is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Unannotated, 1998.

29.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

29.3 The city attorney, or as appropriate, the county attorney, may initiate legal action, civil or criminal, requested by the UCHD to abate any condition that exists in violation of these regulations.

29.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these regulations shall be liable for all expense incurred by the UCHD in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

30.0 Severability

If any provision, clause, sentence, or paragraph of these regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these regulations. The valid part of any clause, sentence or paragraph of these regulations shall be given independence from the invalid provisions or application, and to this end the provisions of these regulations are hereby declared to be severable.

31.0 Effective Date

These regulations shall become effective 15 days after their adoption by the Utah County Board of Health.

Utah County Board of Health

Joseph K Miner, MD

Director

Gayle K. Judd

Chair