

BAMC

BODY ART MODEL CODE



OCTOBER 2019

Background

Just over twenty years ago, environmental health professionals and industry experts developed the first NEHA Body Art Model Code. In the time since the original code was released, body art has become much more accepted, diverse, and popular. In Spring of 2016 NEHA began working with subject matter experts and national partners to develop an updated Body Art Model Code (BAMC), which was released in the Winter of 2019. The updated BAMC was created with input from environmental health and industry professionals, and addresses the ways body art impacts public health, both old and new. The BAMC will be available for local and state agencies to use as a resource to update their own body art codes.

The enormous task of updating a twenty-year-old code was accomplished by a dedicated committee of regulators and industry professionals and supported by numerous association, including the Alliance of Professional Tattooists, Association of Food and Drug Officials Body Art Committee, Association of Professional Piercers, and the Society of Permanent Cosmetic Professionals. NEHA would like to recognize these individuals for their contributions.

NEHA Body Art Model Code Committee Members

Laurel Arrigona
Regulatory, Ceutical Labs, Inc.
AFDO Body Art Committee Chair
Body Art Education Alliance Chair

Carolynn Balcar
Environmental Consultant
Florida Department of Health
State Health Office

Matt Bavougian
Onyx Piercing Studio - Owner / Senior Piercer
Association of Professional Piercers (APP),
Legislation and Regulatory Affairs,
Committee Chair
Body Art Education Alliance, Co-Chair

Kate Ciampi Shergold
Executive Director
Society of Permanent Cosmetic Professionals

Michael Crea, M.S.
Executive Director,
Florida Environmental Health Association
Body Piercer & Body Art Trainer

John Johnson
OSHA Authorized General Industry Trainer
Association of Professional Piercers

Steve Joyner
Association of Professional Piercers
Legislation and Regulatory Affairs Chair

Girvin Liggans, Ph.D., REHS, DAAS
Technical Lead, Retail Food Policy
U.S. Food and Drug Administration

Katherine Martinez, REHS
Sanitarian
Environmental Health Division
Kent County Health Department

John Misock
US Food and Drug Administration, Retired

Cathy Montie
Body Art Training Company
OSHA Outreach Industry Specific Trainer

Brian W Skellie
Medical Liaison
Association of Professional Piercers
ASTM International committee F04
Medical and Surgical Materials and Devices

Ken Coleman Stevenson II
VP Regulatory, Ceutical Labs
AFDO Body Art Committee Chair
Body Art Education Alliance Chair

Michelle E. Watkins, REHS
Program Manager
Division of Environmental Health
and Protection
St. Charles County Government —
Department of Public Health

1. DEFINITIONS

The terms used in these regulations are defined as follows:

ADULT means an individual who is 18 years or older.

AFTERCARE means recommended instructions specific to the body art procedure(s) rendered, given to the client about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

ANTISEPTIC means a product that is labeled as useful in preventing diseases caused by microorganisms present on the skin and/or on mucosal surfaces of humans. This includes products meant to kill germs and/or labeled as “antiseptic,” “antimicrobial,” “antibacterial,” “microbicide,” or “germicide,” or other similar terms. These products should be in compliance with section 201(g)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)(B)).

ASEPTIC TECHNIQUE means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

AUTHORIZED AGENT means an employee of the designated health department/district appointed by the Director of Health to enforce provisions of these regulations.

AUTOCLAVE means a device that is intended for use by a user to sterilize products by means of pressurized steam. This device must comply with one of three types of steam programs defined as B, N, and S by standard EN13060, ISO 17665.

AUTOMATED INSTRUMENT WASHER means a mechanical washer designed specifically for the decontamination of instruments prior to sterilization. These devices must comply with ISO 15883-1/2.

BIOCOMPATIBLE means the ability of an object to be inserted into a person without eliciting any undesirable local or systemic effects in that person.

BIOMEDICAL WASTE means any solid or liquid waste that can present a threat of infection to humans, including nonliquid tissue, body parts, blood, blood products, and body fluids from humans; wastes that contain human disease-causing agents; and discarded sharps. The following are also included:

1. Used, absorbent materials saturated with blood, blood products, body fluids, or excretions/secretions contaminated with visible blood. Also includes absorbent materials saturated with blood or blood products that have dried.
2. Nonabsorbent, disposable devices that have been contaminated with blood, body fluids or, secretions/excretions visibly contaminated with blood, but the devices have not been treated by an approved method.

BLOODBORNE PATHOGEN 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) [Occupational Safety and Health Administration [OSHA] definition 29cfr 1910.1030(b)].

BODY ART means body piercing, tattooing, branding, scarification, or permanent cosmetics.

BODY ART ESTABLISHMENT means any place or premise, whether licensed or not, public or private, temporary or permanent, in nature or inside, for profit or not, where the practices of body art are performed.

BODY ARTIST means any person performing body art services, whether licensed or not.

BODY PIERCING means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

BRANDING means the process in which a mark or marks are burned into human skin tissue with the intention of leaving a permanent mark.

CAS REGISTRY NUMBER also referred to as **CASRN** or **CAS Number**, means a unique numerical identifier assigned by the Chemical Abstracts Service (CAS) to every chemical substance described in the open scientific literature.

CHRONIC/REPEAT VIOLATIONS means a violation that has occurred three times within five inspections.

CLIENT means an individual upon whom a body artist performs a body art procedure.

COMPLAINT OF INJURY FORM means a document used to file with the Department a notice of injury as a result of a body art procedure.

CONTAMINATED means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

COSMETIC TATTOOING see **PERMANENT COSMETICS**

CRITICAL VIOLATIONS means those items that are likely to cause an imminent health danger to the public and/or body artist.

CYCLE NUMBER means a unique number that corresponds to each individual autoclave cycle. This number is used as an identifier. It might or might not include the date as part of the number.

DECONTAMINATION means the use of physical and/or chemical means to remove, inactivate, or destroy pathogens on a surface. A surface/item is decontaminated when there are no infectious particles, and then the surface/item is rendered safe for handling, use, or disposal (OSHA).

DEPARTMENT means the agency (whether local, state, or federal) or its authorized representatives who have jurisdiction to promulgate, monitor, administer, and enforce regulations.

DILUENT means a substance used to dilute something.

DISINFECTANT means a product that is tuberculocidal and registered by the U.S. Environmental Protection Agency, as indicated on the label for use in disinfection.

DISINFECT means to destroy pathogenic and other kinds of microorganisms by physical and/or chemical means. Disinfection is less lethal than sterilization because it destroys most recognized pathogenic microorganisms; it does not, however, necessarily destroy all microbial forms, such as bacterial spores. Disinfection does not ensure the margin of safety associated with sterilization processes (Centers for Disease Control and Prevention’s [CDC] Division of Oral Health).

EAR PIERCING see **BODY PIERCING**

EAR PIERCING GUN means a stud-and-clasp ear-piercing system. Ear-piercing guns must adhere to these regulations and meet the requirements of a body art practitioner.

ENFORCEMENT OFFICER means all jurisdictional health officers, directors of environmental health, and duly authorized registered environmental health specialists and their agents having regulatory jurisdiction as applied to body art establishments and operations.

EQUIPMENT means all machinery, containers, vessels, tools, devices, implements, storage areas, and sinks that are used in conjunction with the storage or application of body art by a body artist, or used within the sterilization/decontamination and disinfection processes.

FACILITY see **BODY ART ESTABLISHMENT**

FURNISHINGS means all fixtures, furniture, and other objects within a body art establishment that are not integral to the structure of the physical establishment (e.g., walls, windows, doors) and are not used in the storage of body art equipment, application of body art, or its sterilization/decontamination and disinfection processes.

GLOVES means medical grade or exam grade, sterile or nonsterile, disposable, single-use, full-hand coverings worn for protection against disease transmission.

GUARDIAN means a person lawfully invested with the power and charged with the obligation of taking care of managing the property and rights of a person who, because of age, understanding, or self-control, is considered incapable of administering his or her own affairs.

HAND WASHING means the act of cleaning one’s hands for the purpose of removing dirt, soil, or microorganisms through the use of soap, warm water, and friction.

HAND WASHING SINK means a sink equipped to provide water at a temperature of at least 38 oC (100 oF) through a mixing valve or combination faucet, used solely for washing hands, arms, or prosthetics.

HAZARDOUS WASTE means all substances that exposure to results or can result in adverse effects on human health and safety under 29 CFR 1910.120 OSHA.

IDENTIFICATION means government-issued ID card with name, photo, and birthdate.

IMMINENT HEALTH HAZARD means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction.

INFORMED CONSENT AND RELEASE FORM means a form signed by a client prior to a body art procedure to confirm that he or she agrees to the procedure and is aware of any risks that might be involved.

INSPECTION means a careful examination, exploration, or evaluation of the body art establishment and the body artist by the Department in compliance with this document.

INSTRUMENTS/TOOLS/DEVICES/IMPLEMENTS USED FOR BODY ART means handpieces, needles, needle bars, forceps, and other tools that could come in contact with a client's body or could be exposed to bodily fluids during body art procedures.

JEWELRY means any biocompatible object that is worn through a body piercing.

LICENSE means written approval by the Department to operate a body art establishment or to perform body art. Approval is given in accordance with this Code and in addition to any other local, state, or federal requirements.

LICENSEE means an individual or entity granted the license under state and local ordinance.

MAINTENANCE means repairs and upkeep to equipment as recommended by the manufacturer.

MATERIAL CERTIFICATE means all documents intended to state the specifics of a material used for body jewelry. Names for these documents include but are not limited to Mill Certificates, Material Certificates, Metal Composition Sheets, MSD, and Material Certification Sheets.

MINOR means an individual who is under the legal age of consent.

MOBILE BODY ART ESTABLISHMENT/UNIT means a licensed mobile establishment or unit that is self-propelled or otherwise movable from place to place and operated by a licensed body artist who performs body art procedures.

MUCOSAL SURFACE means the moisture-secreting membrane lining of all body cavities or passages that communicates with the exterior, including but not limited to the nose, mouth, vulva, and urethra.

MUNICIPAL SOLID WASTE means common trash or garbage that does not meet the definition of hazardous or biomedical waste.

NONCRITICAL VIOLATIONS means those items are not likely to cause an imminent health danger to the public and/or the practitioner.

OPERATING PLAN means a document detailing policies and procedures regarding the containment, labeling, storage, and transport of biomedical waste, in addition to detailed training for personnel of the body art establishment.

OPERATOR means any person, whether permitted or not, who controls any interest in, operates, or manages a body art establishment and who is responsible for compliance with these regulations, whether or not actually performing body art activities.

PERMANENT COSMETICS means a tattoo, whether permanent, semipermanent, or temporary, by someone other than a licensed physician, which includes but is not limited to eyebrows, eyelids, lips, and other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation. This term includes any procedures whether referred to as, but not limited to, "permanent makeup," "microdermapigmentation," "micropigment implantation," "microblading," "micro-needling with the use of pigment," "dermagraphics," "cosmetic tattooing," or any other similar procedures and for the purpose of this Code has the same meaning as "tattoo."

PERMIT see **LICENSE**

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

PERSONNEL means employees, body artists, contracted body artists, and agents of the body art facility, whether or not actually performing body art activities.

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 that state.

OTHER POTENTIALLY INFECTIOUS MATERIAL (OPIM) means

1. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
2. Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
3. HIV-containing cell or tissue cultures, organ cultures, HIV- or HBV-containing culture medium or other solutions, blood, organs, or other tissues from experimental animals infected with HIV, HVC, or HBV (OSHA - 29 CFR 1910.1030).

PROCEDURE means the act of performing body art.

PROCEDURE AREA means a room, or portion of a room, or any surface of an inanimate object that is designated to be used only to perform body art.

PROCEDURE SITE means the area or location on the client's body selected for the placement of body art.

PROPYLENE GAS means any gas that is labeled with a CAS Registry Number of 115-07-1 (this includes but is not limited to MAPP gas and methyl ethylene gas).

REGULATED WASTE means 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; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials [OSHA definition 29cfr 1910.1030(b)].

SAFETY DATA SHEET (SDS) means a document for any potentially harmful chemical that includes information such as the properties of each chemical; the physical hazards, health hazards, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical [as per The Hazard Communication Standard (29 CFR 1910.1200(g))].

SCARIFICATION means the process in which a mark or marks are cut into human skin tissue with the intention of leaving a permanent mark.

SHARPS means any objects that can purposely or accidentally cut or penetrate the skin or mucosa, including but not limited to presterilized, single-use needles; scalpel blades; and razor blades.

SHARPS CONTAINER means a closable, puncture-resistant, leakproof (on sides and bottom) container made specifically to be a sharps container that meets NIOSH standards and can be closed for handling, storage, transportation, and disposal. A sharps container must be labeled with the international biohazard symbol.

SHARPS DISPOSAL means used sharps containers are stored and disposed of by medical waste collection or disposal services that are authorized to handle such waste.

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

STANDARD PRECAUTIONS/UNIVERSAL PRECAUTIONS means a set of infection control practices used to prevent transmission of diseases that can be acquired by contact with blood, body fluids, nonintact skin (including rashes), and mucous membranes.

STERILIZATION means a validated process used to render a product free from viable microorganisms [International Organization for Standardization 11139].

STERILIZATION AREA or **STERILIZATION ROOM** means a room or enclosed area, set apart and used only to clean, decontaminate, and sterilize instruments. This room must be enclosed, not open to the public, and used only for cleaning, sterilization, and related tasks.

STRIKE BRANDING means the process by which a mark is burned with heated metal into the tissue of a person.

SURFACE ANCHOR or **SINGLE-POINT PIERCINGS** or **DERMAL ANCHORS** or **MICRODERMAL** means a piercing that is installed by piercing into the skin at the desired location and the base of the jewelry is inserted via this same hole, which it also exits from.

STERILE GLOVES means a medical-grade or exam-grade disposable, single-use covering for the hands worn for protection against disease transmission. Sterile gloves have been sterilized by the manufacturer or by following the sterilization protocol set forth by the glove manufacturer.

STERILE WATER means water that is purchased from the manufacturer sterile, in a single-use container.

STERILITY means a state of being free from viable microorganisms [ISO 11139].

TATTOO means the mark resulting from the act of tattooing.

TATTOOING means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of permanent cosmetics.

TEMPORARY BODY ART ESTABLISHMENT means any place or premise operating at a fixed location where a body artist performs body art procedures but does not have a permanent body art facility license (i.e., educational, trade show, convention, public or private events, performance, product demonstration, or aesthetic shows).

TEMPORARY BODY ARTIST LICENSE see **LICENSE**

THERMAL CAUTERY UNIT (TCU) means an electrical device that provides direct or alternating current that is passed through a resistant metal wire electrode, generating heat used for branding.

ULTRASONIC CLEANER or **ULTRASONIC** means a device that removes debris by a process called cavitation, in which waves of acoustic energy are propagated in aqueous solutions to disrupt the bonds that hold particulate matter to surfaces [Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008, Section 445].

ULTRAVIOLET AIR PURIFIER means a machine designed to use ultraviolet germicidal irradiation (UVGI) as a means of purifying air.

ULTRAVIOLET GERMICIDAL IRRADIATION (UVGI) means a disinfection method that uses short-wavelength ultraviolet (UV-C) light to kill or inactivate microorganisms by destroying nucleic acids and disrupting their DNA, leaving them unable to perform vital cellular functions.

VIOLATION means the act of violating or going against any section or subsection of this document.

WORKSTATION means the area within a procedure area where a body artist performs body art. The workstation includes but is not limited to the client chair or table, counter, mayo stand, instrument tray, storage drawer, and practitioner's chair.

2. BODY ART OPERATOR REQUIREMENTS AND PROFESSIONAL STANDARDS

- 2.1 Persons performing body art procedures or any other task or function in a body art facility must use aseptic techniques.
- 2.2 The body artist must be a minimum of 18 years of age.
- 2.3 It is unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current applicable license, license, or other certification.
- 2.4 The body artist must maintain hair, skin, and clothes that are free of visible particulate matter and debris. The body artist must keep fingernails short with smooth, filed edges to allow thorough cleaning and prevent glove tears. Body artists must not wear artificial fingernails or extenders and natural nail tips must be less than 1/8 inch long. Nail polish must be intact without chips or cracks and must be removed and/or reapplied every 7 days.
- 2.5 The body artist must be free of any open wound that cannot be covered, any infection, or other visible or communicable diseases that can be transmitted as a result of carrying out the body art procedure.
- 2.6 Any surface of the skin or mucosa to receive a body art procedure must be free of suspected rash or any suspected visible infection.
- 2.7 Before performing body art procedures, body artists must thoroughly wash their hands in a hand washing sink as specified under Section 12.10.
- 2.8 When coming into contact with the client, the body artist must wear gloves at all times. The gloves must be immediately discarded and the body artist's hands must be washed—at a minimum—after the completion of each procedure, and/or when gloves are torn, punctured, or otherwise compromised, or at any other time when necessary to prevent cross contamination.
- 2.9 Any item or instrument used for body art that becomes contaminated during the procedure must be immediately removed from the procedure area and, if necessary, replaced before the procedure resumes.
- 2.10 Eating or drinking by anyone is prohibited in the area where body art preparations or procedures are performed and any location where instruments or supplies are stored or cleaned. Exceptions must be made for the purpose of rendering first aid.

- 2.11** Before and after performing body art procedures, the body artist must thoroughly wash their hands according to the hand washing procedure below:
1. Remove all rings, watches, and bracelet surrounding your hands.
 2. Turn on warm water, wet hands, and apply soap.
 3. Rubbing your hands together, make a soapy lather.
 4. Make sure you include all your fingers, wash between your fingers, thumbs, nails, cuticles, wrists, palm to palm, and the top of your hands.
 5. Rinse your hands with your fingers pointed up toward the faucet and rinse down to your wrists.
 6. Pat dry with a clean disposable towel.
 7. Use a new clean disposable towel to turn off the handles of the sink.

3. SPECIFIC CONSIDERATIONS FOR PIERCING

- 3.1** Clarification of other piercing devices.
1. Individuals who perform piercings with ear-piercing guns; presterilized single-use, stud-and-clasp ear-piercing systems; or similar devices must adhere to these regulations and meet the requirements of a body art practitioner.
 2. Use of ear-piercing guns is limited to the earlobe.
 3. The body artist must wear sterile gloves when coming into contact with sterile equipment during the procedure.
 4. For rationale, see the NEHA policy statement on ear-piercing guns.

4. JEWELRY STANDARDS

- 4.1** All jewelry used for initial piercings must meet the following standards:
1. Any and all materials that meet ASTM and/or ISO standards for implantation. Examples of these include but are not limited to:
 1. steel that is ASTM F138 compliant or ISO 5832-1 compliant,
 2. steel that is ISO 10993-6, 10993-10, and/or 10993-11 compliant,
 3. unalloyed titanium that is ASTM F67 or ISO 5832-2 compliant,
 4. alloyed titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant,
 5. alloyed titanium (Ti6Al7Nb ELI) that is ASTM F1295 compliant or ISO 5832-11 compliant, and
 6. any polymer or plastic material that is ISO 10993-6, 10993-10, and/or 10993-11 compliant and/or meets the U.S. Pharmacopeia (USP) Class VI classification. This includes but is not limited to polytetrafluoroethylene (PTFE) that is ASTM F754 compliant.
 2. Solid 14 karat or higher yellow, white, or rose gold that is nickel free and cadmium free. Gold jewelry used for initial piercing may not be:
 1. plated, unless using materials approved by this standard over solid 14 karat or higher yellow, white, or rose gold that is nickel and cadmium free,
 2. gold filled, or
 3. gold overlay/vermeil.

3. Solid unalloyed or alloyed platinum that is nickel free and cadmium free.
4. Unalloyed niobium (Nb) that is ASTM B392 compliant. This includes but is not limited to:
 1. commercial grade 2 niobium and
 2. commercial grade 4 niobium that contains 1% zirconium.
5. Glass that is lead free. This includes but is not limited to:
 1. fused quartz,
 2. borosilicate, and
 3. soda-lime.
6. All threaded or press-fit jewelry must have internal tapping (no threads on exterior of posts and barbells).
7. For body jewelry purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs, stamps, hallmarks, and polishing compounds.
8. Metals must have a consistent mirror finish on surfaces that frequently come in contact with tissue.
9. All jewelry used for initial piercing on people older than 12 years must be ASTM F2999 compliant.
10. All jewelry used for initial piercing on people 12 and younger must be ASTM F2923 compliant.

4.2 Receipts for jewelry purchased for initial piercings must:

1. Be retained for a minimum of 3 years. Records must be kept on premises for a minimum of 1 year. All 3 years of records must be available to the Department upon request.
2. List specifications for materials sold as designated in Section 4.1.

4.3 Material certificate from jewelry suppliers for jewelry used for initial piercings must:

1. Be updated from the supplier for each new lot of material.
2. Be retained for a minimum of 3 years. Records must be kept on premises for a minimum of 1 year. All 3 years of records must be available to the Department upon request.
3. Include the following information:
 1. name of purchaser of material,
 2. name of seller of material,
 3. date of material sales,
 4. type of material purchased,
 5. composition of material purchased,
 6. quantity of material purchased, and
 7. country of origin.

Specific Considerations for Tattooing

All inks, dyes, and pigments must be specifically manufactured for performing body art procedures.

Only distilled water or sterile water dispensed from an unopened single-use container may be used for the mixing of inks, dyes, or pigments. Diluting with potable water is not acceptable. Such dilution must be single use for the individual procedure. Immediately before a tattoo is applied, the quantity of the dye to be used must be transferred from the dye bottle and placed into single-use plastic cups or caps.

Upon completion of a tattoo, all single-use items and their contents must be discarded.

Specific Considerations for Cosmetic Tattooing

For individuals performing microblading or manual procedures, once the needle grouping (blade) is attached to the handpiece it cannot be removed and must be fully disposed of into the sharps container. Any remaining equipment also must be disposed of into the sharps container.

For rationale, see the NEHA policy statement on microblading.

Specific Considerations for Branding

1. The procedure area must have walls that extend to the ceiling and a closable door.
2. The procedure area must be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations.
3. Any person present during the procedure, including all personnel and the client, must wear a mask rated as N-95 or higher.
4. Body artists must use the process of "strike branding" or use a thermal cautery unit (TCU).
5. Only nongalvanized metal may be used for "strike branding."
6. Body artists should use only propylene gas to heat the metal for "strike branding."

Specific Considerations for Scarification

1. The client must 18 years of age.
2. The body artist must wear disposable sleeves for personal protective equipment (PPE).
3. The procedure area must have walls that extend to the ceiling and a closable door.
4. The procedure area must be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations.
5. The body artist must wear sterile gloves when coming into contact with sterile equipment during the procedure.

5. PUBLIC NOTIFICATION REQUIREMENTS

- 5.1 A current body art establishment license must be posted in a prominent and conspicuous area where it can be readily observed.
- 5.2 All body artist licenses must be posted in a prominent and conspicuous area where they can be readily observed.
- 5.3 Written public educational information and aftercare information that has been approved by the Department must be posted in a prominent and conspicuous area where it can be readily observed by clients. The written instructions must advise the client to consult a licensed physician if deemed necessary by the client and must contain the name, address, and phone number of the establishment.
- 5.4 The facility license holder must publicly display the name, address, and phone number of the Department that has jurisdiction over the facility and the procedure for filing a complaint.
- 5.5 A copy of state body art requirements must be made available to the public upon request.

6. FACILITY RECORDKEEPING REQUIREMENTS

- 6.1 All records required by this Code must be kept in print or digital form. The files must be stored in a manner that prohibits access from unauthorized personnel (e.g., locked file cabinet, locked room, password-protected files) and accessible upon request by the Department. The following information must be kept on file on the premises of a body art facility and be readily available for inspection by the Department:
 1. Each body art facility must establish a written Exposure Control Plan designed to eliminate or minimize personnel exposure to blood or OPIM as required in OSHA 1910.1030(b).
 2. Files of all employees, contractors, or agents of the body art facility must be kept secure, confidential, and be retained onsite for a minimum of 3 years past employment termination. The files should include:
 1. full names,
 2. job description,
 3. exact duties,
 4. dates of employment,
 5. date of birth,
 6. primary residence address,
 7. applicable phone number(s),
 8. e-mail address,
 9. a copy of a government-issued photo ID, and
 10. documentation of training records:
 1. annual training in bloodborne pathogens,
 2. current training in first aid,
 3. current training in CPR, and
 4. other continuing education as required by the Department.

3. Facility information:
 1. owner's name and address,
 2. facility name,
 3. hours of operation,
 4. county and/or city licenses,
 5. state license, and
 6. biomedical waste management record.
4. Equipment maintenance records.
5. A complete description of standard body art work practices including an emergency plan, exposure control plan, or infection prevention plan.
6. Safety data sheets for all potentially hazardous chemicals in the body art facility.
7. Material certificates for applicable materials from each applicable manufacturer.
8. Spore test results from a third party from the past 3 years.
9. Client records (see Section 8.2).
10. A copy of Department regulations.
11. Copies of reports for all adverse events that occurred at the facility. Adverse reactions that occur when using FDA-regulated products should be reported to the FDA MedWatch program and noted in the MedWatch Individual Case Safety Report ID (ICSR).
12. A description of all instruments purchased presterilized and used for any and all body art procedures must be kept on file on the premise of a body art facility for 1 year past purchase date. This information must be available by request for inspection by the Department. Invoices or orders can satisfy this requirement.

7. INFORMED CONSENT AND RELEASE FORM

7.1 In order for the body artist to perform body art on a client, a release form must be stored in accordance with Section 8 of this document. The release form must be in written and or digital format. A physical and/or digital copy of this form must be offered to the client. The release form must include at a minimum the following sections:

1. A risk notification section that provides information detailing the risks and possible consequences of a body art procedure must include risks including but not limited to the following:
 1. body art can cause swelling, bruising, discomfort, bleeding, and pain;
 2. body art can cause allergic reactions;
 3. body art can cause irreversible changes to the human body; and
 4. body art has a risk of infection.
2. A client evaluation section that asks at a minimum the following questions that evaluate the client's condition for receiving body art without violating their medical privacy. This section must include the following statement: Consult a physician prior to the procedure if you have any concerns about any of the questions below:
 1. Are you 18 years of age or older?
 2. Have you eaten within the past 4 hours?
 3. Are you under the influence of drugs or alcohol?
 4. Have you ingested anticoagulants, antiplatelet drugs, or NSAIDS (aspirin, ibuprofen, etc.) in the last 24 hours?

5. Have you ingested any medication that can inhibit the ability to heal a skin wound?
 6. Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?
 7. Do you have hemophilia, epilepsy, a history of seizure, fainting, narcolepsy, or other conditions that could interfere with the body art procedure?
 8. Do you have a history of skin diseases that might inhibit the healing of the body art procedure?
 9. Do you have any communicable diseases (i.e., hepatitis A, hepatitis B, HIV, or any other disease that could be transferred to another person during the procedure)?
 10. Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that could interfere with the body art procedure?
 11. Are you or have you been pregnant within the last 3 months?
3. Client information:
1. name as it appears on government ID,
 2. signature,
 3. birthdate,
 4. permanent address,
 5. phone number, and
 6. a copy of their state or federally issued photo ID with birthdate (i.e., driver's license, state ID, passport, immigration card, etc.).

7.2 Each body artist must record all body art procedures administered, including date, time, brief description of the procedure performed (type and location), materials used with lot numbers (such as inks, instruments, jewelry, needles), and the body artist's name. In addition, identification of the sterilized instruments (i.e., date and time) used during the procedure that corresponds with the autoclave load log for those instruments and/or package/lot number must be recorded.

1. The following information about the body art procedure must be written down:
 1. type of body art procedure,
 2. location on body,
 3. design if applicable,
 4. jewelry styles and sizes if applicable,
 5. expiration date and batch and/or lot number of all equipment sterilized in the body art procedure or bought presterilized that will be applied to or inserted under the skin,
 6. expiration date, brand, color, batch and/or lot number of all inks, dyes, and pigments used in the body art procedure,
 7. date of body art procedure, and
 8. any complications that occurred during the body art procedure.
2. The following information from the body artist must be collected:
 1. first and last name, and
 2. signature.

- 7.3** An informed consent statement, including a signature obtained from the customer, must confirm at a minimum the following:
1. client is voluntarily obtaining services of their own free will and volition,
 2. client has had the opportunity to read and understand the document,
 3. client has the ability to ask questions about the procedure, and
 4. client has received and understands written and verbal aftercare.
- 7.4** Any injury or complaint of injury, infections that required treatment by a licensed medical practitioner, or any notifiable diseases resulting from the body art procedure that become known to the body artist must be reported by the body artist to the Department using the complaint of injury form within 3 business days of the body artist becoming aware of the complaint or condition.
- 7.5** Body artists must report all adverse events relating to or suspected of being related to materials used during a body art procedure to the Department and MedWatch, including the name of the artist, client information, description of adverse event(s), and a complete description of materials involved with lot and/or batch codes. This reporting will help identify outbreaks and identify products with manufacturing defects. A record of this reporting must be maintained with the complaint of injury form in client records.
- 7.6** Nothing in this section should be construed to require the body artist to perform a body art procedure upon a client.
- 7.7** The client is entitled to a copy of the completed release form in written and/or digital format.

8. RECORDS RETENTION

- 8.1** All records required by this Code must be kept in print or digital form. All records must be retained for a minimum of 3 years. Records must be kept on premises for a minimum of 1 year. All 3 years of records must be available to the Department upon request. The files must be stored in a manner that prohibits access from unauthorized personnel (e.g., locked file cabinet, locked room, password-protected files).
- 8.2** All client records should be retained for a minimum of 3 years. Records must be kept on premises for a minimum of 1 year. All 3 years of records must be available to the Department upon request. These records include the:
1. customer release, risk notification, informed consent form, and
 2. complaint and injury form.
- 8.3** A written record of all instruments purchased presterilized used for any and all body art procedures should be retained for a minimum of 3 years. Records must be kept on premises for a minimum of 1 year. All 3 years of records must be available to the Department upon request. Invoices or orders can satisfy this requirement.

9. DISINFECTION AND STERILIZATION PROCEDURES

- 9.1** All surfaces used in the body art procedure must be smooth; free of nicks, cuts, and tears; easily cleanable; and nonporous. Surfaces must be cleaned and then disinfected with an EPA-registered tuberculocidal disinfectant prior to and after the body art procedure.
- 9.2** All surfaces of equipment and furnishings that come into contact with the body artist during a body art procedure must be covered with a protective, impermeable barrier. Barriers must be single-use and discarded after each client.
- 9.3** All equipment and devices used to clean and sterilize body art materials and reusable instruments must be suitable for their intended use. The equipment and devices must be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the equipment must be available for inspection by the Department when available from the supplier.
- 9.4** All reusable instruments are to be cleaned and sterilized after each use in the sterilization room or sterilization area. Instruments must be:
1. soaked in an enzymatic or other appropriate solution,
 2. scrubbed to remove debris,
 3. rinsed and inspected,
 4. processed through an ultrasonic cycle,
 5. rinsed,
 6. dried,
 7. inspected,
 8. sterilized, and
 9. all sterilization loads must include a Class V or better chemical indicator.
- 9.5** Items 1-6 may be accomplished using an automated instrument washer.
- 9.6** After being cleaned, all reusable instruments used for body art must be sterilized by one of the below methods:
1. Contained in sterilization packaging and subsequently sterilized, with the date and cycle number noted on packaging or indicator strips (see Section 8.3).
 1. This information must match up with the sterilization log.
 2. All sterilization packaging must have a color-changing chemical indicator.
 2. Unwrapped and subsequently sterilized, stored, and sterilized again immediately prior to use.
- Afterward, sterilized tools must be stored in a cabinet, drawer, or tightly covered container reserved for the storage of sterilized instruments.
- 9.7** An autoclave, ultrasonic, and sterilization room or sterilization area is not be required if the body art establishment uses only presterilized disposable instruments, presterilized body art materials, and presterilized supplies.
- 9.8** All instruments used for body art procedures must remain stored a) in sterile packages and marked with the cycle number until just prior to a body art procedure or b) cleanly in containers and ready for sterilization immediately prior to the procedure.

- 9.9** Sterile equipment and body art materials must not be used if the package has been compromised. Sterile equipment and body art materials must not be used after the expiration date without first reprocessing and resterilizing. Body art equipment and materials must be disposed of in an appropriate container.
- 9.10** Each holder of a license to operate a body art establishment must demonstrate that the autoclave used is capable of attaining sterilization by weekly biological monitoring (spore testing). These tests must be verified by an independent laboratory. The license must not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Department. These test records should be retained for a minimum of 3 years. Records must be kept on the premises for a minimum of 1 year. All 3 years of records must be available to the Department upon request. The most recent test must be made available to the public upon request.
- 9.11 Procedure for Responding to a Positive Spore Test**
If the mechanical (e.g., time, temperature, pressure) and chemical (internal or external) indicators suggest that the autoclave is functioning properly, a single positive spore test result probably does not indicate autoclave malfunction. The autoclave should be removed from service, though, and sterilization operating procedures reviewed to determine if operator error could be responsible (CDC, 2016).
1. In the sterilization log, document procedures taken to remedy the situation.
 2. Remove the autoclave from service and review sterilization procedures (e.g., work practices and use of mechanical and chemical indicators) to determine whether operator error could be responsible for the positive spore test.
 3. Recall, to the extent possible, and reprocess all items processed since the last negative spore test in a separate autoclave that has negative spore test results.
 4. Retest the autoclave by using biological, mechanical, and chemical indicators after correcting any identified procedural problems.
 5. If the repeat spore test is negative, and mechanical and chemical indicators are within normal limits, put the autoclave back in service.
 6. The following are required if the repeat spore test is positive:
 1. Do not use the autoclave until it has been inspected or repaired and the exact reason for the positive test has been determined. This work should be done by a factory authorized service professional, who is certified to repair and maintain the specific autoclave that is being worked on.
 2. Before placing the autoclave back in service, rechallenge the autoclave with biological indicator tests in three consecutive empty chamber sterilization cycles after the cause of the autoclave failure has been determined and corrected.
 7. Maintain sterilization records (i.e., sterilization cycles, maintenance, and spore tests) in accordance with this document.

10. PREPARATION AND CARE OF THE PROCEDURE SITE

10.1 Glove Usage

1. Prior to, during, and after a body art procedure, the body artist must wear gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated. This includes but is not limited to:
 1. When setting up the procedure area.

This set up includes touching containers, ink bottles, barrier films, and exteriors of sterile packaging.
 2. When prepping skin, applying stencils, or drawing designs on the skin.
 3. Once the procedure is completed, cleaning, applying aftercare, or bandaging to the procedure site.
 4. When tearing down and disinfecting the procedure area.

10.2 Before a body art procedure is performed, the procedure site must be prepped with an antiseptic in accordance with the manufacturer's instructions.

10.3 If shaving is necessary, it must be done before skin prep, and a single-use disposable razor must be used. After use, razors must be placed immediately into a sharps container.

10.4 In the event of bleeding, all products used to stop the flow of blood or to absorb blood must be a sterile, single-use item that is disposed of immediately after use in appropriate covered containers.

10.4 Any single-use items that contact the client must meet the requirements outlined in Section 11.2.

10.5 Any products portioned out for the individual must be discarded upon completion of the body art procedure.

11. REQUIREMENTS FOR SINGLE-USE ITEMS

11.1 Single-use items must not be used on more than one client for any reason. After use, all single-use needles, razors, and other sharps must be immediately disposed of in approved sharps containers. See Section 12 for disposal procedures.

11.2 All products applied to the skin, including body art stencils, pens, markers, etc. must be single use and disposable. Products used in the application of stencils must be dispensed and applied on the area to be tattooed with a suitable clean, single use product and used in a manner to prevent contamination of the original container and its contents. The clean, single use product must be used only once and then discarded. See Section 12 for disposal procedures.

12. BIOMEDICAL WASTE

12.1 Facility Policies and Procedures

1. All body art establishments must comply with the following:
 1. If such registration is applicable in the jurisdiction, body art facilities must register as a biomedical waste-generating facility.
 2. Biomedical waste mixed with hazardous waste must be managed as hazardous waste.
 3. Any other solid waste or liquid, which is neither hazardous nor radioactive in character, when combined with untreated biomedical waste must be managed as untreated biomedical waste.
 4. All surfaces contaminated with spilled or leaked biomedical waste must be decontaminated as part of the cleaning process.
2. Each body art establishment must implement a written operating plan to manage biomedical waste in accordance with this code. This written operating plan must be available for review by the Department and facility personnel. The operating plan must include the following:
 1. description of training for personnel;
 2. procedures for segregating, labeling, packaging, transporting, storing, and treating biomedical waste;
 3. procedures for decontaminating biomedical waste spills; and
 4. a contingency plan for emergencies.

Facilities that have multiple specialty services must include procedures specific to each specialty if procedures vary. Plans must be updated when regulations, facility policies, or procedures change.

 1. Each facility or their designee must train new personnel on the operating plan as part of their work responsibilities. This training must be provided prior to commencement of duties. Refresher training must be completed annually by all personnel.
 2. All biomedical waste management records must be maintained onsite for 3 years and must be available for review by the Department.

12.2 Storage and Containment

1. Storage
 1. Storage of biomedical waste at the generating facility must not exceed 30 days. The 30-day period commences when the first nonsharps item of biomedical waste is placed into a red bag or sharps container, or when a sharps container containing only sharps is sealed.
 2. Indoor storage areas must have restricted access and be designated in the written operating plan. They must be located away from pedestrian traffic, be vermin- and insect-free, and be maintained in a sanitary condition. They must be constructed of smooth, easily cleanable materials that are impervious to liquids.
 3. Outdoor storage areas, including containers and trailers, must (in addition to the above criteria) be conspicuously marked with the international biological hazard symbol and be secured against vandalism and unauthorized entry. The international biological hazard symbol on an outdoor storage area must be a minimum of 6 inches in diameter.

2. Containment

1. Packages of biomedical waste must remain sealed until picked up by biomedical waste transport treatment, except when compacted in accordance with the requirements of this code. Ruptured or leaking packages of biomedical waste must be placed into larger packaging without disturbing the original seal.
2. All packages containing biomedical waste must be visibly identifiable with the international biological hazard symbol and one of the following phrases: **“biomedical waste,” “biohazardous waste,” “biohazard,” “infectious waste,”** or **“infectious substance.”** The symbol must be red, orange, or black and the background color must contrast with that of the symbol or comply with the requirements cited in subpart Z of 29 C.F.R. subparagraph 1910.1030(g)(1)(C), Occupational Exposure to Bloodborne Pathogen Standard.

3. Bags

1. Biomedical waste (except sharps) must be packaged and sealed at the point of origin in impermeable, red plastic bags. The international biological hazard symbol must be at least 6 inches in diameter on bags 19 x 14 inches or larger, and at least 1 inch in diameter on bags smaller than 19 x 14 inches. Each plastic bag must meet the following physical properties:
 1. Impact resistance of 165 grams (g) and tearing resistance of 480 g in both the parallel and perpendicular planes with respect to the length of the bag. Impact resistance must be determined using ASTM D-1709-91, and tearing resistance must be determined using ASTM D-1922-89.
 2. Incidental sum concentrations of lead, mercury, cadmium, and hexavalent chromium must be no greater than 100 ppm for dyes used in the coloration of bags.
 3. A letter from the manufacturer of the red bags used in the establishment must be kept on file on the premises.

4. Sharps containers.

1. Sharps must be discarded at the point of origin into single-use or reusable sharps containers. Sharps must not be placed directly into double-walled corrugated containers. Sharps containers must be sealed when full. A sharps container is considered full when materials placed into it reach the designated fill line or, if a fill line is not indicated, when additional materials cannot be placed into the container without cramming.
2. Permanently mounted sharps container holders must bear the phrase and the international biological hazard symbol if this information on the sharps container is concealed by the sharps container holder/mount.
3. The international biological hazard symbol must be at least 1 inch in diameter on sharps containers.
4. All outer containers must be rigid, leak resistant and puncture resistant. Reusable outer containers must be constructed of smooth, easily cleanable materials and must be decontaminated after each use.
5. The international biological hazard symbol must be at least 6 inches in diameter on outer containers 19 x 14 inches or larger, and at least 1 inch in diameter on outer containers less than 19 x 14 inches.

12.3 Labeling

1. Biomedical waste bags and sharps containers must be labeled with the name and address of the body art facility and address.
 1. If a bag or sharps container is placed into a larger bag prior to transport, the label for the exterior bag must comply with the same labeling requirements listed above.
 2. Prior to transport, outer containers must be labeled with the transporter's name, address, registration number, and 24-hour telephone number.
2. The transporter must provide labels for bags or sharps containers that are generator-specific, such as bar codes or specific container number.

13. REQUIREMENTS FOR PREMISES

- 13.1** As part of the license application process, body art establishments applying after adoption of this Code must submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department.
- 13.2** All walls, floors, procedure areas, and workstations of a body art establishment must be smooth, free of open holes or cracks, easy to clean, and in good repair. Walls, floors, and ceilings must be maintained in a clean condition. All procedure areas and workstations, including client chairs and benches, must be of construction that is easily cleaned and disinfected after each client.
- 13.3** All body art establishments must 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 nail or hair salon, or any other such activity that could cause potential contamination of work surfaces.
- 13.4** The facility must be free of pests, including insects, rodents, and vermin.
- 13.5** Smoking and vaping are prohibited in all indoor areas.
- 13.6** There must be a minimum of 80 square feet of floor space for each procedure area in the establishment.
- 13.7** If the establishment offers an area screened in from public view for clients requesting privacy, it must be constructed and operated in compliance with this Code (e.g., smooth and easy to clean)
- 13.8** The establishment must be well-ventilated and have an artificial light source equivalent to at least 20 lumens per square foot 3 feet off the floor. Where the body art procedure is being performed and where instruments and sharps are assembled, there must be an artificial light source equivalent to at least 100 lumens per square foot.
- 13.9** No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations. Fish aquariums are allowed in waiting rooms and nonprocedural areas. Fish aquariums must contain only aquatic species that can survive under water for a minimum of 48 hours.

- 13.10** The body art procedure area must be equipped with a separate, readily accessible hand washing sink that is supplied with soap and disposable paper towels in dispensers.
- 13.11** The body art procedure area must be equipped with hand washing facilities for its personnel with unobstructed access (e.g., no doors), such that the body artists can go to and from their workstations without having to touch anything with their hands.
- 13.12** There must be a minimum of one lavatory, excluding any service sinks, in a body art establishment.
- 13.13** If reusable instruments are used in a body art establishment, a separate sterilization room is required. The sterilization room must have the following:
1. A sink used only for cleaning contaminated instruments. This sink should not be used for hand washing.
 2. A covered ultrasonic and/or instrument washer.
 3. Cabinets or drawers made of smooth nonporous wipeable materials if any items are stored in the room.
 4. No other services including but not limited to tattooing, piercing, or retail sales may occur within this sterilization room/area.
 5. The covered ultrasonic unit and the sink used for rinsing and scrubbing contaminated tools must be separated from the autoclave to prevent contamination. If space is a problem, one solution is to install a Plexiglas, stainless steel, or other nonporous barrier to prevent cross contamination.
- 13.14** Water supply and wastewater disposal methods must meet all local and/or state regulations.
- 13.15** A lined, covered waste receptacle must be provided in every procedure area and restroom. The receptacles must be cleanable, kept clean, and have self-closing lids with hands-free controls. The receptacles must be emptied when needed. Municipal solid waste removal must meet all local and/or state regulations.
- 13.16** All noncontaminated instruments must be stored in a dry, disinfected, closed cabinet, drawer, or tightly covered container reserved for the storage of such instruments.
- 13.17** No reusable cloth or similar material-items may be used in a body art establishment. No multiple use materials may be employed for body art procedures unless they are nonporous and can be cleaned and disinfected.

14. LICENSE REQUIREMENTS

- 14.1** Establishments and body artists operating at the time of the enactment of this Code must be given 6 months to make application to the Department and comply with these regulations. Establishments that continue to operate without proper licenses from the Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.

14.1 Fixed Body Art Establishment License

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 license issued annually from the Department.
2. The applicant has to pay a fee set by the Department for each body art establishment license.
3. A license for a body art establishment may not be transferable from one place or person to another.
4. It is the responsibility of the facility owner to ensure that all employees, contractors, and agents of the facility understand and adhere to this Code.
5. Any business using an ear-piercing gun or similar device must be licensed by the Department and must meet the same requirements as a body piercing facility.
6. Fixed body art establishment licenses must be posted in a prominent and conspicuous area where they can be easily seen.

14.2 Body Artist License

1. No person may practice body art procedures without first obtaining a body artist license from the Department. The Department sets a fee and procedure for obtaining such licenses.
2. The body artist license expires annually on a date identified by the Department.
3. Application for a body artist license must include:
 1. name,
 2. date of birth,
 3. photocopy of identification,
 4. address of residence,
 5. mailing address,
 6. phone number,
 7. place(s) of employment as a body artist,
 8. proof of attendance at an OSHA bloodborne pathogen training program (or equivalent) given or approved by the Department,
 9. proof of attendance at an OSHA first aid training program (or equivalent) given or approved by the Department, and
 10. proof of attendance at an in-person CPR training program (or equivalent) given or approved by the Department.
4. The body artist needs to demonstrate facility safety and sanitation knowledge through the completion, with a passing grade of 70%, of an examination given or approved by the Department and obtained prior to issuance of the body artist's license.
5. No body artist license must be issued unless the body artist has demonstrated compliance with the provisions of this section and all other provisions of this Code.
6. Any body artist using an ear-piercing gun or similar device must be licensed by the Department and must meet the same requirements as a body artist.
7. Body artist licenses must be posted in a prominent and conspicuous area where they can be easily seen.

14.3 Temporary Body Art Establishment License

1. Unless specified elsewhere in these requirements, temporary establishments have to meet the same requirements as body art establishments at fixed locations.

2. Temporary body art establishment licenses may be issued for body art services provided outside of the physical site of a licensed facility for the purposes of educational, trade show, convention, public or private events, performance, product demonstration, or aesthetic show.
 1. Temporary body art establishment licenses will not be issued unless:
 1. applicant furnishes proof of compliance with Section A relating to body art establishment licenses;
 2. applicant is currently affiliated with a body art establishment that, where applicable, is licensed by a Department, and
 3. the temporary site complies with Section 14.1.
 2. Temporary body art establishment licenses expire after 14 days or the conclusion of the special event, whichever is less.
 3. A temporary body art establishment license will not be issued unless the applicant has paid a fee as set by the Department.
 4. A temporary body art establishment license may not be transferable from one place or person to another.
 5. The temporary body art establishment license must be posted in a prominent and conspicuous area where it can be easily seen.
 6. While working under a temporary art establishment license, all body artist licenses and temporary body artist licenses must be posted in a prominent and conspicuous area where the licenses can be easily seen.
 7. The facility license holder must publicly display the name, address, and phone number of the Department that has jurisdiction over the facility, as well as the procedure for filing a complaint.
3. Compliance with all of the requirements of this Code includes but is not limited to the following:
 1. Facilities must 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; otherwise, only single-use, prepackaged, sterilized equipment marked with an expiration date, lot number, and method of sterilization can be used.
 2. Ability to clean and disinfect the body art procedure areas.
 3. Temporary body artist license.
 4. Floor space of at least 50 square feet for each body artist.
 5. Smooth, nonabsorbent flooring that can be cleaned and disinfected or disposed of.
 6. If an area screened from public view is offered for clients requesting privacy, it must be constructed and operated in compliance with this Code.
 7. Provide enough temporary hand washing sinks with hot and cold running water to adequately service the number of body artists present.
 8. Supply a municipal solid waste receptacle, biomedical waste receptacle, and sharps container for each procedure area that is no greater than one step away from the body artist.
 9. Plan for removal of the biomedical waste by a licensed transporter.
 10. Water supply and wastewater disposal methods must meet all local and/or state regulations.
 11. No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations.

4. The facility where the temporary body art facility license is needed must be inspected by the Department and a license issued prior to the performance of any body art procedures.
5. Temporary body art facility licenses 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.

14.4 Temporary Body Artist License Requirements

1. A temporary license for performing body art procedures must be issued by the Department for educational, trade show, convention, public or private events, performance, or product demonstration purposes. The license expires 14 days after issuance.
2. Temporary body artist licenses must be issued by the Department for body art services provided outside of the physical site of a licensed body art facility for educational, trade show, convention, public or private events, performance, or product demonstration purposes. The license expires 14 days after issuance.
 1. This permit need not be obtained if the body artist is already licensed by the Department within the licensing jurisdiction.
 2. Temporary body artist licenses will not be issued unless the applicant:
 1. provides proof of compliance with Sections 14.6-11 above relating to body artist licenses, and
 2. is currently affiliated with a body art establishment which, where applicable, is licensed by the Department.
 3. has paid a fee as set by the Department.
 3. A temporary body artist license may not be transferable from one person to another.
 4. Each temporary body artist license must be posted in a prominent and conspicuous area where it may be readily seen.

14.5 Mobile Body Art Establishments

1. In addition to complying with all the requirements of this Code, mobile body art vehicles and operators working from a mobile body art establishment must comply with all the following requirements:
 1. Mobile body art establishments are licensed for use only at special events lasting 14 days or less. Licenses must be obtained at least 14 days prior to the event. No body art procedures are allowed to be performed before a license is issued.
 2. License holders are responsible for ensuring that all other local agency regulations are complied with, including but not limited to zoning and business license requirements.
 3. Body art performed pursuant to this Section must be done only from an enclosed vehicle such as a trailer, mobile home, or mobile vehicle. No body art procedures may be performed outside of the enclosed vehicle.
 4. The mobile body art establishment must be maintained in a clean and sanitary condition at all times. Doors must be self-closing and tight fitting. Openable windows must have tight-fitting screens.
 5. If the mobile body art establishment is not completely disposable, then it must have approved sterilization equipment available in accordance with all requirements of Section 9.

6. The mobile body art establishment must be used only for the purpose of performing body art procedures. No habitation or food preparation is licensed inside the vehicle.
7. The mobile body art establishment must be equipped with a hand washing sink that provides water at a temperature of at least 38 °C (100 °F) through a mixing valve or combination faucet used solely for washing hands, arms, or prosthetics with liquid soap dispensed from a nonreusable container. The establishment must supply paper towels in dispensers. An adequate supply of potable water must be maintained for the mobile body art establishment at all times during operation. An equipment wash sink is not required if soiled reusable instruments are transported in a suitable covered container to a licensed facility for cleaning. Reusable instruments that are cleaned and sterilized in the mobile facility must meet the requirements of Section 9.4.
8. All liquid wastes must be stored in an adequate storage tank with a capacity at least 15% greater than the capacity of the onboard potable water supply. Liquid wastes must be disposed of at a site approved by the Department.
9. Restroom facilities must be available on site for public use. A hand washing sink must be available inside the restroom cubicle. The hand washing sink has to be supplied with hot and cold running water under pressure to a mixing-type faucet, liquid soap dispensed from a nonreusable container, and paper towels in a dispenser. Restroom doors must be self-closing and adequate ventilation must be available.
2. All body artists working in a mobile body art establishment must have a body artist license and comply with the body artist requirements of this Code.
3. No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations.
4. 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.
5. All mobile body art establishment licenses, body artist licenses, and local regulatory agency contact information must be posted in public view.
6. The temporary body art establishment license must be posted in a prominent and conspicuous area where it can be easily seen.
7. The facility license holder must publicly display the name, address, and phone number of the Department that has jurisdiction over the facility, as well as the procedure for filing a complaint.

15. PROHIBITIONS

- 15.1** Performing a body art procedure is prohibited on any minor without the written notarized consent of that person's parent or legal guardian. That consent is required to be given in person to the body artist by the parent or legal guardian before the body artist may perform the body art procedure. In addition, the parent or legal guardian must present identification to the body artist and the body artist must retain a copy of the identification for their records. The parent or legal guardian must be present in the procedure area at the time of the procedure.

- 15.2** It is prohibited to perform body art on a person who appears to be under the influence of alcohol or drugs.
- 15.3** It is prohibited to operate as a body art establishment or body artist without first obtaining all necessary licenses and approvals from the Department.
- 15.4** It is prohibited to obtain or attempt to obtain any body art establishment or body artist license by means of fraud, misrepresentation, or concealment.

16. ENFORCEMENT

- 16.1** The Department is responsible for developing and implementing a system of suspension, revocation, reinstatement, penalties, fines, civil charges, and criminal changes based on the severity of violations of this Code.

17. INSPECTION

- 17.1** Department personnel must inspect each body art facility to ensure compliance with this Code prior to issuing a license to a body art facility. Department personnel must be granted access to the premises of a body art facility during normal hours of operation, including access to customer and personnel records.
1. The Department must be allowed entry at will when the facility is occupied, whether routine inspection or not, including the need to investigate complaints or compliance.
- 17.2** Authorized agents of the Department must properly identify themselves upon entering a body art establishment to make an inspection. Such an inspection must be conducted no less than once a year and as often as necessary throughout the year to ensure compliance with this Code and to ensure the health and safety of the general public.
- 17.3** It is a violation of this Code for the operator in a body art facility to knowingly do any of the following:
1. conceal, withhold, or falsify records or evidence;
 2. interfere with the performance of the duties of the Department;
 3. make a false statement, representation, certification, record, report, or otherwise falsify information required to be submitted or maintained pursuant to this Code.
- 17.4** A digital or written copy of the inspection report must be furnished to the license holder or operator of the body art establishment. The Department retains possession of the original.
- 17.5** If, after investigation, the Department should find that an operator is in violation of this Code, the Department must advise the operator, in writing of its findings and instruct the operator to take specific steps to correct such violations. Violations that pose an imminent public health threat need to be corrected before operation may resume.

17.6 If at any time the Department has reasonable cause to suspect that public health might be at risk, it can place limitations on the license of a body art facility or artist. The Department must notify the facility license holder and the body artist license holder. Limitations can include the imposition of restrictions or conditions, or both, on the operations of that body art facility. A body art facility must comply with all license limitations until the Department has conducted an inspection, has determined that the license limitations are no longer necessary, and has issued an order allowing the body art facility to resume operations without the license limitations.

18. SUSPENSION

18.1 Licenses issued under the provisions of the Code can be suspended temporarily by the Department for failure of the holder to comply with the requirements of this Code.

18.2 Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this Code, the operator must be notified in writing that the license is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the license 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.

18.3 Any person whose license has been suspended can file an application for reinstatement of the license within 10 business days of notice of suspension by meeting the following requirements:

1. Submitting a signed statement that the conditions causing the suspension have been corrected.
2. Providing proof that the conditions have been corrected, including but not limited to photos, receipts, and written documentation.
3. Submitting the appropriate reinspection fees, after which the Department must reinspect the body art establishment and evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this Code, the license will be reinstated.

19. REVOCATION

19.1 For repeated violations or repeated critical violations of any of the requirements of this Code or for interference with Department personnel in the performance of their duties, a license can be permanently revoked after a hearing. Before taking such action, the Department must notify the license holder or operator in person and hand-deliver a notice in writing stating the reasons why the license is subject to revocation and advising the license holder or operator of the requirements for filing a request for a hearing.

19.2 The Department can permanently revoke a license after 5 business days following service of the notice unless a request for a hearing is filed by the license holder to the Department.

19.3 The Department must conduct the hearings in accordance with all local laws and regulations.

19.4 Once a body art license has been revoked, the artist and/or establishment will be considered to be operating without a license.

20. CITATIONS

20.1 The Department will have the authority to levy citations and/or fines against a body art establishment and/or body artist for repeat, noncritical, or critical violations.

20.2 If a body art establishment license and/or body artist license is suspended or revoked and has existing citations, the citations must be paid prior to reinstating the body art establishment license and/or body artist license.

20.3 Within a 12-month period:

1. Citations for first-time violations may not exceed \$100 per violation.
2. Citations for second-time violations of the same violation may not exceed \$250 per violation.
3. Citations for third-time violations of the same violation may not exceed \$500 per violation.
4. Citations for the same violation more than 3 times in a 12-month period may not exceed \$1,000 per violation and will put the body art license in suspended status until such a time that the Department can be sure that all violations are or will be corrected. In such cases, the license holder can make an application for reinstatement of the license within 10 business days of notice of suspension by following the procedure detailed in 19.3.

20.4 Any citation not paid within 6 months of receipt by the body art license holder will place the body art license in suspension.

20.5 If a body artist continues to operate on a suspended license, the Department may issue a citation no greater than \$250 per day. If the body artist continues to operate on a suspended license for longer than 3 calendar days, the body art license will be placed in revoked status.

21. DEPARTMENT PERSONNEL COMPETENCY REQUIREMENTS

21.1 Department personnel performing environmental health/sanitary evaluations or complaint investigations of body art establishments must hold a bachelor's degree in environmental health, natural science, or a comparable area of study from an accredited university and be a Registered Environmental Health Specialist/Registered Sanitarian (REHS/RS). Prior to assuming responsibilities, personnel must meet the same requirements as body artists specified in Section 14.2, 8-10 of this Code.

22. INTERPRETATION AND SEVERABILITY

- 22.1** In the interpretation of this Code, the singular may be read as the plural, the masculine gender as the feminine or neutral, and the present tense as the past or future where the context so dictates.
- 22.2** 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 remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

BAMC

BODY ART MODEL CODE



www.neha.org