

NOTICE OF PUBLIC HEARING

Pursuant to O.C.G.A. Section 36-13-8, notice is hereby given that a public hearing will be held Tuesday, May 17, 2016, at 6:00 p.m. at the Baldwin County Courthouse, 121 North Wilkinson Street, Suite 319, to consider a proposed addition to the Baldwin County Code of Ordinances for rules and regulations of body art. The hearing is to receive public input on the proposed addition. Copies of the Rules and Regulations of Body Art are available on the Baldwin County website www.baldwincountyga.com or in Suite 314, Baldwin County Courthouse.

**RULES AND REGULATIONS
OF
BODY ART
09-15-14**

Baldwin County Board of Health

Table of Contents

I. Authority	XV. Body Art After Care
II. Purposes	XVI. Disinfection of Workplace
III. Exemptions	XVII. Disposal of Waste
IV. Definitions	XVIII. Client Files
V. Administrative Body	XIX. Personnel Files
VI. Minimum Standards	XX. Body Art License
VII. Furnishings and Fixtures	XXI. Application for Permit
VIII. Supplies	XXII. Establishment Permit
IX. Personnel – Health and Hygiene	XXIII. Inspections
X. Sterilization	XXIV. Variance
XI. Dyes and Pigments	XXV. Implementation, Enforcement and Penalties
XII. Tattoo Preparation	XXVI. Severability
XIII. Piercing Jewelry	
XIV. Body Piercing Preparation	

I. Authority.

The legal authority for this Rule is Chapter 31-40 of the Official Code of Georgia Annotated. (O.C.G.A. Chapters 31-40-1, 31-40-2, 31-40-3, 31-40-4, 31-40-5, 31-40-6, 31-40-7, 31-40-8, 31-40-9, 31-40-10 and 31-5.)

II. Purpose.

The purpose of these rules and regulations is to establish reasonable standards for individuals performing body art procedures and for the facilities from which the procedures are provided. If followed, such standards should ensure the health and safety of all individuals performing and receiving these services. They also provide for the regular inspection of establishments wherein Body Art activities are to be performed and contain enforcement provisions including but not limited to revocation of the registration or licensure of any person or establishment deemed in violation of these rules and regulations or any promulgated hereunder. These rules and regulations provide for an annual inspection fee to be paid by persons and by establishments registered under these rules and regulations. This fee is intended to help defray the cost to the Baldwin County Board of Health of the administration for the requirements of these rules and regulations.

III. Exemptions.

These regulations do not apply to a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath. Exemptions may include cosmetic reconstructive surgery or procedures performed under the direct supervision of a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath.

IV. Definitions.

(1) **“Administrative body”** means the partnership, corporation, association, or the person or group of persons who maintain and control the body art studio and personnel, and who are legally responsible for the operation of the studio.

(2) **“Antibacterial ointment”** means topical antibiotics that destroy or suppress the growth or reproduction of bacteria available in a semisolid preparation (water-in-oil) that are generally occlusive (preventing the escape of moisture) and somewhat difficult to remove from the skin once applied; approved for application to human skin and includes all products labeled accordingly as approved by the Food and Drug Administration.

(3) **“Antimicrobial solution”** means any solution capable of killing or used to retard the growth of microorganisms approved for application to human skin and includes all products labeled accordingly as approved by the Food and Drug Administration (FDA); when referring to antimicrobial mouthwash, only those approved for use will be allowed in the facility such as chlorhexidine, hydrogen peroxide, alcohol and others commonly found in hospital or dental settings.

(4) **“Antiseptic”** means an agent or substance that will destroy or inhibit the growth and development of infectious microorganisms on human skin or mucous membranes.

(5) **“Applicant”** means any person who applies for a body art license, guest body art license, artist apprentice license, body art establishment permit, or temporary body art establishment permit.

(6) **“Apprentice”** means an individual, over the age of 17, undergoing an extended period of piercer or tattooer training under the direction of a qualified, skilled, and experienced mentor (professional) within a studio environment; to serve as an apprentice

(7) **“Approval”** means written approval from the Health Authority indicating that the body art establishment has been inspected and meets all terms of the applicable rules.

(8) **“Approved”** means being accepted by the Health Authority as appropriate under applicable laws and regulations.

(9) **“Aseptic technique”** means to render or maintain free from infectious material so as to prevent transfer or transmission of infectious agents.

(10) **“ANSI”** means the American National Standards Institute.

(11) **“ASTM”** means the American Society for Testing Materials International.

(12) **“Autoclave”** means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time per manufacturer’s specifications. For the purpose of this rule, autoclaves will be Class B medical grade only.

(13) **“Biomedical waste”** shall mean and include the following:

- (a) Pathological waste, which means all recognizable human tissues which are removed during procedures;
- (b) Biological waste which means blood and blood products, exudates secretions, suctioning, and other body fluids which contain free liquids and cannot be or are not directly discarded into a municipal or on-site sewer system;
- (c) Sharps which mean any discarded article that may cause punctures or cuts. Such waste includes but is not limited to items such as needles, IV tubing and syringes with needles attached, and scalpel blades;
- (d) Other miscellaneous medical equipment, including but not limited to, masks, gloves, gowns, empty IV tubings, vials, etc;
- (e) Discarded medical equipment and parts, excluding expendable supplies and materials included in paragraphs (a)–(d) above.

(14) **“Blood”** means human blood, human blood components, and products made from human blood.

(15) **“Blood borne pathogens”** means pathogenic microorganisms present in human blood that 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).

(16) **“Board of Health”** means the Local Baldwin County Board of Health.

(17) **“Body art”** means the practice of physical body adornment by means of tattooing or body piercing. This definition does not include practices considered medical procedures by the Georgia Medical Composite Board such as implants under the skin which are prohibited unless such medical procedures are performed by a person licensed by the Georgia Medical Composite Board.

(18) **“Body Art Advisory Committee”** means a group of people that determine the approvals of the Body Art Professionals and Apprenticeships and oversee the Apprenticeship process. The Committee consists of one public health nurse, one environmental health specialist, one professional body piercer, one professional tattoo artist, and the District Environmental Health Director (DEHD). Positions may have one designated alternate and will rotate off after four years of service on the committee with the exception of the DEHD.

(19) **“Body art establishment”** or **“body art studio”** means any permanent building or structure on a permanent foundation, holding a valid city or county business license, if applicable, and permit from the Baldwin County Board of Health where the practices of body art are performed whether or not for profit.

(20) **“Body art establishment permit”** or **“permit”** means the issuance of a written permit by the Health Authority to a body art establishment stating that such establishment, after inspection, was found to be in compliance with these regulations.

(21) **“Body artist”** means a person at least eighteen (18) years of age who performs tattooing or body piercing and who is responsible for complying with applicable provisions of these regulations.

(22) **“Body art license”** shall mean a license issued by the Health Authority to a specifically identified person who is qualified to engage in the practice of body art in accordance with these regulations and in conjunction with a permitted establishment.

(23) **“Body art regulation”** shall mean the rules, regulations and guidelines promulgated by the Board of Health pursuant to O.C.G.A. § 31-40 as amended from time to time.

(24) **“Body piercer”** means a person at least eighteen (18) years of age who engages in the practice of body piercing regardless of the type of body ornament utilized or body area to be pierced and who is responsible for complying with applicable provisions of these regulations.

(25) **“Body piercing”** means puncturing or penetrating the skin or mucosa of a client utilizing a single-use, sterile needle or other sterile instrument for the purpose of inserting jewelry or other adornment into the body for non-medical purposes; body piercing includes ear piercing, except when the ear piercing procedure is performed on the ear lobe with an ear piercing gun using sterile materials.

(26) **“Body piercing establishment”** means any permanent building or structure on a permanent foundation holding a valid city or county business license, if applicable, and permit from the Baldwin County Board of Health where body piercing is performed, including any area under the control of the operator.

(27) **“Business”** means any entity that provides body art services or procedures for compensation.

(28) **“Cleaning/clean room”** shall mean the area in a body art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art and shall be separated from any other area in the facility by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of ten (10) feet.

(29) **“Client”** or **“customer”** shall mean an individual upon whom one or more body art activities are to be performed.

(30) **“Contaminated”** means the presence or the reasonably anticipated presence of blood, other potentially infectious materials, or potentially harmful chemicals on an item or surface.

(31) **“Contaminated waste”** shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in O.C.G.A.

(32) **“Convention”** means a large meeting of people who come to a place for usually several days to talk about their shared work or other interests or to make decisions as a group, i.e. industry trade show

(33) **“County”** means the Local Baldwin County Board of Health or its duly authorized representatives.

(34) **“Critical violation(s)”** means those aspects of operation or conditions which, if in violation, constitute the greatest hazards to health and safety, including imminent health hazards. Critical violations shall include the following:

- (a) autoclave does not meet minimum time, pressure or temperature requirements or written emergency procedures are not established or approved by the Health Authority;
- (b) lack of a monthly negative spore or microbiological monitoring test for quality control;
- (c) non-disposable tubes and needles are not sterilized or were sterilized greater than one (1) year ago;
- (d) work area is not equipped as required or is not stocked;
- (e) reuse of single-use articles;
- (f) sterile instruments are not properly handled;
- (g) reusable instruments are not handled properly;
- (h) employees with infectious lesions on hands not restricted from body art procedures;

- (i) employees not practicing proper cleanliness and good hygienic practices;
- (j) water supply not approved or hot and cold running water under pressure not available (or written emergency procedure for water not established/approved);
- (k) cross connection allowing back-siphonage present in plumbing system;
- (l) toilet and/or hand washing facilities not available for employees;
- (m) toxic items not properly stored, labeled, or used.

(35) **“Decontamination”** means the use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

(36) **“Department”** means the Georgia Department of Public Health or its agents.

(37) **“Disinfectant”** means a solution registered as a disinfectant by the U.S. Environmental Protection Agency (EPA) and intended to destroy or inactivate specific viruses, bacteria, or fungi on clean, inanimate surfaces. Labeling should specifically state that the product is bactericidal, virucidal, fungicidal, and tuberculocidal.

(38) **“Disinfection”** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

(39) **“Ear piercing”** means the puncturing of the outer ear for non-medical purposes.

(40) **“Easily cleanable”** means that surfaces are readily accessible and made of such materials and finish and so fabricated to be smooth, non-absorbent and so that residue may be effectively removed by normal cleaning methods.

(41) **“EPA”** means the United States Environmental Protection Agency.

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

(43) **“FDA”** means the United States Food and Drug Administration.

(44) **“Germicidal solution”** means any solution which destroys microorganisms and is so labeled.

(45) **“Gloves”** means medical grade disposable single use gloves labeled for surgical or examination purposes. Vinyl gloves are not allowed in body art facilities.

(46) **“Guest body artist”** shall mean a visiting body artist possessing a guest body art license issued by the Health Authority to perform body art.

(47) **“Guest body art license”** means the issuance of a 7-day license by the Health Authority. Such license will allow a person to practice body art in accordance with the Body Art Regulations under the direct supervision of a body artist holding a valid body art license issued by the Health Authority.

(48) **“Hand sanitizer”** means an alcohol-based hand rub that contains at least 60% alcohol used in conjunction with soap and water for the routine decontamination of hands.

(49) **“Health Authority”** means the local board of health and/or its authorized representatives such as a health officer/inspector.

(50) **“Health officer/inspector”** means an official appointed by the Board of Health who is responsible for licensing, permitting, and inspection of body art establishments (i.e. Health Authority)

(51) **“Hot water”** means water that attains and maintains a minimum temperature of 110°F.

(52) **“Imminent health hazard”** means any condition, deficiency, or practice, as discovered by the Health Authority which, if not corrected, is very likely to result in disease transmission, injury, or loss of life to any person. If an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two (2) or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of an apparent blood borne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health, then operations are immediately discontinued and the Health Authority is notified.

(53) **“Instruments”** means hand pieces, needles, needle bars, and other instruments that may come in contact with a client’s body or may be exposed to bodily fluids during any body art procedure.

(54) **“ISO”** means the International Standards Organization.

(55) **“Jewelry”** means any ornament used in any body art procedure which is inserted into a newly pierced area and meets the following minimum Association of Professional Piercers standards (adopted February 5, 2009 or subsequent adoptions):

- (a) Steel that is ASTM F-138 compliant or ISO 5832-1 compliant
- (b) Steel that is ISO 10993-6, 10993-10, and/or 10993-11 compliant (EEC Nickel Directive compliant)
- (c) Titanium (Ti6Al4V EL1) that is ASTM F-136 compliant or ISO 5832-3 compliant
- (d) Titanium that is ASTM-67 compliant
- (e) Solid 14 karat gold or higher, nickel-free white or yellow gold (purity verification must be available for inspection upon request)
- (f) Solid nickel-free platinum alloy
- (g) Niobium (Nb)
- (h) Fused quartz glass, lead-free borosilicate or lead-free soda-lime glass
- (i) Polymers (plastics) as follows:
 - Tygon Medical Surgical Tubing S-50HL or S-54HL
 - Polytetrafluoroethylene (PTFE) that is ASTM F754-00 compliant
 - Any plastic material that is ISO 10993-6, 10993-10 and/or 10993-11 compliant and/or meets the United States Pharmacopeia (USP) Class VI material classification
- (j) All threaded or press-fit jewelry must have internal tapping (no threads on posts).
- (k) For body jewelry purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs and polishing compounds; metals must have a consistent mirror finish

Copies of the jewelry manufacturer’s documentation, which verify compliance with standards, must be available for inspection on request.

(56) **“Lavatory facilities”** means a lavatory providing an adequate supply of potable hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body. The facility shall include a soap dispenser, soap, and single use disposable towels in a covered dispenser.

(57) **“Law”** means any applicable provision of the State of Georgia statutes and rules of any department or agency.

(58) **“License”** shall mean a document issued by the Health Authority pursuant to this Body Art Regulation authorizing an individual to conduct allowed body art procedures.

(59) **“Microbiological monitoring for quality control”** means the use of a standard spore, to challenge the sterilization process.

(60) **“Minor”** means an individual under the age of eighteen (18).

(61) **“NSF”** means the National Sanitation Foundation.

(62) **“Occupational exposure”** means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee’s activities.

(63) **“Operator/owner”** means any person, firm, company, corporation or association that owns, controls, operates, conducts, or manages a body art establishment.

(64) **“OSHA”** means the Federal Occupational Safety and Health Administration.

(65) **“Other potentially infectious material”** means the following human body fluids: semen, vaginal secretions, saliva, and any other body fluid visibly contaminated with blood.

(66) **“Parenteral”** means piercing mucous membranes or the skin barrier through such events as needle sticks and piercings.

(67) **“Permit”** means Health Authority approval in writing authorizing the administrative body to operate a body art establishment for the purpose of engaging in the practice or business of body art procedures. Health Authority approval shall be granted solely for the practice of body art pursuant to these regulations.

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

(69) **“Personal protective equipment”** means specialized clothing or equipment, such as gloves or lap cloth, worn by an employee for protection against a hazard. General work clothes not intended to function as protection against a hazard are not considered to be personal protective equipment.

(70) **“Personnel”** means the permit holder, any person who performs body art, individuals having supervisory or management duties, or any other person employed or working in a body art establishment. This individual may or may not be a body artist.

(71) **“Physician”** or **“osteopath”** means an individual licensed to practice medicine in Georgia.

(72) **“Pierce”** or **“piercing”** means body piercing (see definition 25).

(73) **“Potable water”** means water that is from an approved water system meeting Georgia Safe Drinking Water Standards that is safe for drinking.

(74) **“Premises”** means the physical location of an establishment which offers and performs body art procedures.

(75) **“Professional”** means a person approved by the Body Art Advisory Committee to oversee apprenticeships in body art establishments. A piercing professional oversees piercing apprenticeships only. A tattoo professional oversees tattoo apprenticeships only.

(76) **“Proof of age”** means a driver’s license or other generally accepted means of identification that describes the individual as sixteen (16) or eighteen (18) years of age or older as applicable, contains a photograph, and appears to be valid.

(77) **“Registration”** means license or permit as applicable to each entity.

(78) **“Safe materials”** means articles manufactured for the specific purpose of body art procedures which are unlikely to cause injury or disease under proper use and care.

(79) **“Sanitary”** means clean and free of agents of infection or disease.

(80) **“Sanitized”** means the application of a U.S. EPA registered sanitizer on a cleaned surface by a process that provides sufficient concentration of chemicals for enough time to reduce the microorganism level, including pathogens, to a safe level on utensils and equipment in accordance with the label instructions.

(81) **“Sewage”** means human excreta, all water-carried waste, and wastes from residences, buildings, or commercial and industrial establishments.

(82) **“Sharps”** means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa.

(83) **“Sharps container”** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal that is labeled with the International Biohazard Symbol; specifically made for the disposal of sharps; required and regulated by OSHA

(84) **“Single-use”** means disposable products or items that are intended for one-time, one-person use and are properly disposed of by appropriate measures after use on each client. Single-use items include but are not limited to cotton swabs or balls, single-use instruments, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, stencils, ink cups, and protective gloves. May also be defined as “single-service.”

(85) **“Solid waste”** means refuse, garbage, trash, rubbish, and any other item(s) which could cause an unsanitary condition or undesirable health and safety conditions.

(86) **“Spore”** means a dormant, non-reproductive body able to survive adverse environmental conditions including high temperatures, dryness, and lack of nourishment for long periods of time. Under the proper conditions, the spore may revert to an actively multiplying form of the bacteria, fungi, or protozoa.

(87) **“Spore test”** means a biological monitoring process in which resistant spore growth on test media is process in a studio’s autoclave to verify that it is functioning properly. A third party culturing service must be engaged for this process to provide documentation serving as a tangible record and legal document verifying the autoclave’s ability to achieve property sterilization.

(88) **“Sterilization”** or **“sterilize”** means the use of a physical or chemical procedure by which all forms of microbial life, including bacteria, viruses, spores, and fungi are destroyed including highly resistant bacterial endospores. This is achieved by holding in a commercial, Class B autoclave according to manufacturer’s instructions as approved by the Health Authority.

(89) **“Sterilized indicator”** means a tape, strip, bag, or other device designed to change color to indicate that sterilization temperature has been achieved during the sterilization procedure.

(90) **“Sterilizer”** means an autoclave certified to meet generally accepted medical standards.

(91) **“Tattoo”** means to mark or color the skin of any person by pricking in, inserting, or implanting pigments to include cosmetic micropigmentation, except when performed by a physician licensed as such pursuant to Chapter 34 of Title 43.

(92) **"Tattoo artist"** means a person at least eighteen (18) years of age who engages in the practice/ service of tattooing regardless of the type of tattoo or area to be tattooed.

(93) **"Tattoo establishment, tattoo parlor, tattoo studio"** means any permanent building or structure on a fixed foundation, holding a valid city or county business license, if applicable, and permit from the Baldwin County Board of Health, where tattooing is performed, including any area under the control of the operator.

(94) **"Temporary Body Art Establishment"** shall mean any location, place, facility or business, whereby an operator has been granted a permit to practice body art by the Health Authority for no more than a period of seven (7) consecutive days only for the purpose of product demonstration in connection with conventions or industry trade shows.

(95) **"Ultrasonic cleaning unit"** means a unit approved by the Health Authority with a lid, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high energy and high frequency oscillations transmitted through the contained liquid.

(96) **"Universal precautions"** means treating all blood and body fluids as if they contain blood borne pathogens and taking proper precautions to prevent the spread of any blood borne pathogens.

(97) **"Utensil"** means any implement, tool, or other similar device used in the storage, preparation, operation, or processing of body art.

(98) **"Violation correction"** means a plan for correcting deficiencies in meeting these rules and regulations of the local Board of Health.

(99) **"Waste"** means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a body art studio.

(100) **"Work area, work station"** means an area where clients receive body art.

V. Administrative Body.

(1) The administrative body shall be responsible for compliance with the requirements in Chapter 31-40 of the Official Code of Georgia Annotated, with applicable administrative rules and regulations of the Baldwin County Board of Health, including but not limited to all applicable statutes, rules and regulations regarding disclosure of ownership.

(2) The administrative body shall certify in its application the name(s) and exact duties of employees/artists who have been designated as being responsible for carrying out the rules and policies adopted by the administrative body. The following information shall be included: Social Security Number or valid driver's license, date of birth, gender, home address, home/work phone numbers, identification photos of all operators/technicians.

(3) Prior to being granted a permit, each body art studio shall develop a written statement of policies and standard operating procedures including:

- (a) Sterilization
- (b) Employee health
- (c) Employee Drug and Alcohol Use
- (d) Sanitizing areas and equipment between clients
- (e) Disposal of waste
- (f) Record keeping
- (g) Client screening
- (h) Aftercare
- (i) Emergency sterilization

(4) Prohibited Facilities

- (a) Neither body art studios nor body art procedures shall be allowed in the same structures or areas used for private residences, other structures used for human habitation, food services, retail sales, grocery stores, convenience stores, or similar locations; however, this does not prohibit body art operations in completely separate areas of certain businesses considered safe and appropriate by the environmental health specialist and his or her supervisor.
- (b) Body art studios shall not be allowed in automobiles, mobile, transitory or other non-fixed facilities. Such non-fixed facilities include, but are not limited to, mobile trailers, tents, and recreational vehicles.

(5) Prohibited Procedures

- (a) Implants, 3-D procedures or other procedures involving insertion of foreign objects completely under the skin are prohibited.
 - (b) Any body art procedure that results in the permanent removal of tissue or requiring medical equipment (ex. scalpels, dermal punches) shall be prohibited, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to perform such procedures.
 - (c) Ear piercings involving cartilage may not be performed utilizing spring-loaded guns.
 - (d) The following acts will be prohibited: scarification (branding, cutting, skin peeling,) suspension piercing, neck rings, foot binding, corseting, play piercing, surface/microdermal anchors
- (6) Artists and facilities must meet all other applicable statutes, ordinances, rules and regulations to include local, state, and federal prior to being permitted and while in operation.
- (7) Body artists shall not be under the influence of alcohol and/or drugs while performing body art procedures.
- (8) Operators shall refuse services to any person who is under the influence of alcohol or drugs.
- (9) A body artist shall not provide service to any person who shows evidence of being mentally incapacitated.
- (10) Live animals shall be excluded from within the body art studio and from adjacent areas within the facility under the control of the permit holder. However, this exclusion does not apply to fish in clean, maintained aquariums which are maintained outside of an artist work area. Service animals accompanying disabled persons shall be permitted in the establishment.
- (11) A body artist shall not conduct any form of body art activity upon any area of a client that evidences the presence of any rash, lesion or other visible signs of infection.
- (12) Any future body art procedures not covered within these rules which have the potential for transmitting infectious disease must receive written departmental approval prior to being offered to customers or patrons.

(13) Body art shall only be performed by currently licensed body artists, guest artists, or apprentices in a permitted body art establishment or temporary facility meeting the requirements of these regulations.

VI. Minimum Standards.

(1) Each studio where body art procedures are administered shall provide work areas separate from observers or visitors. Body artists shall not perform body art procedures simultaneously on different clients in the same work area.

(2) Work areas shall provide complete privacy for clients by means of doors, nonabsorbent curtains, or similar approved partitions that extend from floor to ceiling.

(3) A body art establishment shall have a cleaning room to be used exclusively for the cleaning, disinfection, and sterilization of instruments.

- (a) The cleaning room shall have a separate ANSI-approved instrument sink or stainless steel sink reserved only for instrument disinfectant activities and shall be equipped with hot and cold running water.
- (b) The cleaning room shall be separated from any other area in the facility by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of ten (10) feet and must be labeled to prevent clients from entering the room.
- (c) The cleaning room shall be equipped with an ultrasonic cleaning unit and a medical grade autoclave. The autoclave shall be used to sterilize all non-disposable and reusable body art equipment.
- (d) The instrument sink, ultrasonic cleaning unit, and autoclave shall each be separated by a minimum distance of forty-eight (48) inches, unless using a splashguard approved by the Health Authority.
- (e) The cleaning room walls, floors, doors, windows, skylight, and other components shall be constructed of smooth, nonabsorbent, durable material and be maintained in good repair.

(4) A hand washing sink shall be provided within each workstation. Hand wash sinks will also be made available in the cleaning rooms. These are in addition to the required sinks in toilet rooms. Facilities that are open and operating at the time these rules are implemented will be required to have one hand wash sink that is available by an unobstructed pathway within thirty (30) feet of each work station not to include any hand wash sinks in toilet rooms.

(5) Hand washing sinks and instrument sinks shall be used for those intended purposes only.

(6) Mop sinks will be required upon new construction or renovation. After adoption of these rules, mop sinks will be required for any new facility or upon renovation to any existing facility or any major plumbing renovation that occurs. At least one (1) mop sink/service sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and trash cans as well as for the disposal of mop water and similar liquid waste.

(7) The use of common towels and cloths is prohibited for any reason.

(8) Sanitary Facilities and Controls.

(a) Water Supply.

- 1. Enough potable water for the needs of the body art studio shall be provided from an approved source that is a public water system; or a nonpublic water system that is constructed, maintained and operated according to applicable state or local codes.

2. Water from a public water system shall meet 40 CFR 141 — National Primary Drinking Water Regulations and state drinking water quality standards

3. Water from a nonpublic system shall meet state drinking water quality standards.

a) Water from a nonpublic water system shall be sampled and tested at least annually for biological and chemical contaminants to ensure compliance with Safe Drinking Water Standards and quarterly as required by Health Authority water quality regulations.

b) The most recent sample report for the nonpublic water system shall be retained on file in the body art establishment and a copy sent to the Health Department at the time received.

(b) Sewage.

All sewage, including liquid water, shall be disposed of by a public sewerage system or by an approved on-site sewage disposal system.

(c) Plumbing.

Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other water supply or other possible source of contamination.

(9) Toilet Facilities.

(a) There shall be a minimum of one restroom containing a toilet and a lavatory readily accessible to any Body Artist, client, or customer that does not require passage through a clean room and work area.

(b) Toilet installation. Toilet facilities shall be designed, installed, and maintained according to law. Public access to toilet facilities shall not be through cleaning rooms or work areas with the exception that access through such areas will be allowed if the risk of contamination is determined to be minimal.

(c) Toilet rooms. Toilet rooms opening directly into work or client waiting areas shall be completely enclosed and shall have tight-fitting, solid self-closing doors, which shall be closed except during cleaning or maintenance.

(d) All toilet rooms shall have sufficient mechanical ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

(e) Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles with trash liners shall be provided for waste materials. Toilet rooms shall have at least one covered waste receptacle.

(10) Lavatory Facilities.

(a) Lavatory installation. Lavatory facilities shall be designed, installed, and maintained according to law. All lavatories that may be used for hand washing by employees shall be designed such that they are operable without use of hands.

(b) Lavatory faucets. Each lavatory shall be provided with hot water at a temperature at least 100° F (38° C). Hot and cold water shall be tempered by means of a mixing valve or

combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 20 seconds without the need to reactivate the faucet.

- (c) Lavatory supplies. A soap dispenser and a supply of antiseptic, hand-cleaning soap or detergent shall be available at each lavatory. A fully covered or enclosed towel dispenser with a supply of single use sanitary towels shall be conveniently located near each lavatory. Easily cleanable covered waste receptacles shall be conveniently located near the hand washing facilities.
- (d) Lavatory maintenance. Lavatories, soap dispensers, paper towel dispensers, and all related fixtures shall be kept clean, in good repair, and supplied at all times.

(11) Mop Sinks.

At least one (1) mop sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and trash cans and for the disposal of mop water and similar liquid waste in accordance VI. Minimum Standards (6).

(12) Solid Waste.

(a) Non-Biomedical Waste Containers.

1. Garbage and refuse shall be kept in durable, easily cleaned containers that do not leak and do not absorb liquids.
2. All outside refuse containers shall be covered and maintained.
3. Containers used in work areas shall be kept covered when not in use and after they are filled. At least one (1) covered/lidded waste receptacle shall be provided in each operator area. Receptacles in the body artist area shall be emptied daily and solid waste shall be removed from the premises at least weekly or more if necessary.
4. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulate.

(b) Garbage and refuse shall be disposed of at such frequency to prevent the development of odor and the attraction of insects, rodents, or vermin.

(c) Biomedical Waste Containment.

1. Disposal of infectious waste such as blood, fluids, used inks, or other liquid waste may be deposited directly into a drain connected to an approved sewer system or on-site sewage system.
2. Containment of biomedical waste shall be in a manner and location which affords protection from animals, rain and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.
3. Biomedical waste shall be segregated by separate containment from other waste at the point of origin.
4. Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The containers shall be securely closed so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling, or transport.

5. Sharps shall be contained for storage, transportation, treatment and subsequent disposal in leak-proof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
 - a. Rigid containers of discarded sharps and all other disposable containers used for containment of biomedical waste shall be red or orange in color and clearly identified with the universal biohazard symbol or clearly marked with the word "Biohazard".
 - b. Biomedical waste contained in disposable containers as prescribed above, shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, or portable bins. The containment system shall have a tight fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal biohazard symbol and the word "Biohazard" on the sides so as to be readily visible from any lateral direction when the container is upright.
 - c. Reusable containers used for shipment of biomedical waste shall be thoroughly washed and decontaminated each time they are emptied. Reusable pails, drums, dumpsters or bins used for containment of biomedical waste shall not be used for other purposes.
 - d. Container must be mounted at a height of fifty-six to fifty-two inches (56" to 52") at a standing workstation, and forty-two to thirty-eight inches (42" to 38") for a seated workstation.

(13) The premises shall be kept in such condition as to prevent the entrance, harborage, or feeding of insects, rodents, or vermin.

(14) Physical Facilities, Floors, Walls, Ceilings, and Attached Equipment: Floors, walls, ceilings, and attached equipment and decorative materials shall be kept clean and maintained in good repair.

(a) Floors

1. Floors and floor coverings of all work areas, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, nonabsorbent, hard durable material and maintained in good repair.
2. The floor and wall juncture shall have coved joint installed.
3. The floor and cove base/joint shall be properly sealed.
4. Carpeting is allowed in the lobby area only and shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair.

(b) Walls and Ceilings

1. Maintenance. Walls and ceilings, including doors, windows, skylight, and similar closures shall be constructed of smooth, nonabsorbent, durable material and be maintained in good repair.
2. Attachments. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.
3. Existing facilities may have ceilings that are exempted from requirements for smooth, nonabsorbent materials until such time as repair or extensive maintenance is required. At that time, materials must comply with this Chapter.

(15) Lighting

- (a) Permanently fixed artificial light sources shall be installed to provide at least fifty (50) foot candles of light on all work area surfaces and at equipment washing work levels.
- (b) Permanently fixed artificial light sources shall be installed to provide at a distance of thirty (30) inches from the floor at least ten (10) foot candles of light in all other areas.

(16) Ventilation. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

(17) Poisonous or Toxic Materials

- (a) Materials permitted. There shall be present in the body art studio only those poisonous or toxic materials necessary for maintaining the establishment and cleaning or sanitizing equipment, as well as controlling insects and rodents.
- (b) Labeling of materials. Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents and approved for intended use.
- (c) Toxic items shall be separated from other materials used in body art procedures by way of a closed cabinet.
- (d) Spray bottles labeled with contents may be used for the purpose of cleaning but not for body art procedure preparation.

(18) Premises

- (a) Body art establishments shall be kept neat, clean, and free of litter and rubbish.
- (b) Only articles necessary for the operation and maintenance of the body art establishment shall be stored on or within the establishment. Lockers or other designated area will be provided for such personal items as purses, jackets, medications, etc.
- (c) Aisles and working spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of equipment or of operational surfaces by clothing or personal contact.

(19) Equipment and Utensils

(a) Materials

- 1. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; they shall be corrosion-resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials.
- 2. Re-use of single-service articles is prohibited.

(b) Design and Fabrication

- 1. General. All equipment and utensils, including plastic ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping.

- (i) Body art operational surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, as well as free of difficult to clean internal corners and crevices.
 - (ii) Sinks and drain boards shall be self-draining.
2. Operational surfaces. Surfaces of equipment not intended as operational surfaces, but which are exposed to splash or debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices and readily accessible for cleaning. Such surfaces shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
 3. Needles, needle assembly with bar, dyes, or pigments shall be designed and manufactured for the sole purpose of body art.

(20) Minimum supplies of establishment. Each work station is to be equipped or stocked in the following manner:

- (a) Body Tattooing Establishments:
 - a minimum of six (6) commercially packaged single use presterilized needle assembly with bar and six (6) sterilized needle tubes;
 Body Piercing Establishments:
 - a minimum of six (6) commercially packaged single use presterilized needles, six (6) sterilized needle tubes, six (6) sterilized forceps, and six (6) sterilized hemostats;
 - a minimum of six (6) single-use pens or equivalent instruments.
- (b) A minimum of four (4) extra packages of disposable towels other than the package that is being used;
- (c) A minimum of three (3) extra boxes of medical grade disposable gloves other than the box being used;
- (d) An extra supply of bandages, ointment or gel, and antimicrobial soap.

(21) Temporary facilities shall meet the requirements of these regulations. In addition, the following will be required:

- (a) Hand washing facilities must be located within each work or demonstration area. In the absence of a hand wash station meeting the requirements of the Chapter, the following will be allowed:
 - (1) Hand washing facilities shall consist of liquid antimicrobial hand soap, single-use paper towels and hot potable water dispensed from an insulated container that contains at least five (5) gallons of potable water with a spigot that is raised a minimum of twenty-five (25) inches off the floor.
 - (2) Waste water shall be collected in a bucket that will hold at least five (5) gallons of waste water placed on the floor under the spigot. Warm potable water shall be replenished and wastewater removed as necessary to the sanitary sewer system, or, in the absence thereof, in a manner approved by the department.
- (b) Only single-use, disposable, sterilized supplies can be used.

VII. Furnishings and Fixtures.

(1) Furnishings of the body art studio shall be maintained in good condition, intact, and functional. Furnishings should be made of or covered in a material that is easily cleanable and non-absorbent.

(2) All surfaces in the work room that could potentially be contaminated during a procedure must be non-porous to allow for proper cleaning. This includes but is not limited to: work tables, chair mats and bases, shelving, and counters.

(3) Work tables and chairs shall be provided for each body artist.

(a) All exposed surfaces of all worktables and chairs shall be constructed of material, which is smooth, nonabsorbent, corrosive resistant, and easily sanitized.

(b) All exposed surfaces of work tables and chairs shall be sanitized with an antimicrobial solution approved by the Health Authority after each use and between clients.

VIII. Supplies.

(1) Bulk single use articles shall be commercially packaged and handled to protect them from contamination. These articles shall be stored in an area separate from the work area and toilet facilities.

(2) All materials intended for single-use applied to the human skin shall be from single-use containers and shall be disposed of after each use.

(3) Cabinets and closed, sealable containers for the storage of instruments, pigments, single use articles (ex., gloves, ink caps, carbon, stencils, etc.) shall be provided for each body artist and shall be maintained in a sanitary manner which protects them from contamination.

IX. Personnel – Health and Hygiene.

(1) With the exception of a plain ring such as a wedding band, body artist jewelry on hands and wrists such as watches, rings, bracelets, etc., shall be removed prior to the start of the body art procedure.

(2) Prior to the procedure, the artist shall inspect his/her hands for hangnails, small cuts, sores, and abrasions. If a cut, sore, or abrasion is detected, a bandage shall be applied for added protection before gloving. Trim fingernails to insure that gloves are not punctured. Recent tattoos or piercings in the healing process shall also be properly covered as to prevent any bodily fluid transfer.

(3) Use aseptic technique. Thorough hand washing is essential after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.

(4) The artist must thoroughly wash their hands in hot, running water with antibacterial soap, then rinse hands and dry with disposable paper towels before and after performing body art procedures or anytime there is an interruption in body art procedure that requires the artist to remove and replace gloves. Use of hand sanitizers are recommended after each hand washing.

(5) Medical grade, single-use, disposable latex or approved non-latex examination gloves shall be worn during the body art procedure. Gloves shall be changed and properly disposed of each time there is an interruption in the body art procedure, the gloves become torn or punctured, or whenever their ability to function is compromised. Under no circumstances shall a single pair of gloves be used on more than one individual. Vinyl gloves are not allowed.

(6) A body artist shall maintain the highest degree of personal cleanliness, conform to standard hygienic practices, and wear clean clothes when performing body art procedures. Single-use aprons, smocks, or sleeve covers are acceptable. Open-toed shoes or shoes with holes shall not be permissible.

(7) The skin of the artist shall be free of rash or infection. No artist affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, fever, vomiting, diarrhea, or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that the individual could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.

(8) Universal precautions, as defined in these rules, shall be observed to prevent contact with blood or other potentially infectious materials. All employees shall be trained in universal precautions and present documentation of yearly training upon request.

(a) Assume all human blood, plasma, serum, body fluids (semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood) and tissues to be contaminated with Human Immunodeficiency Virus (HIV) and/or Hepatitis viruses (e.g., HBV, HCV).

(b) The most susceptible route of occupational infection for HIV, HBV, and HCV is by accidental needle sticks, but may include contamination of the mucous membranes, or through broken, abraded, or irritated skin. Use appropriate caution and maximum protection to prevent such contact.

(c) Proper decontamination procedures, emergency biohazard spill management, and proper use of biosafety equipment shall be utilized.

(d) Use aseptic technique. Thorough hand washing is essential after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.

(e) Infectious material spills shall be cleaned using an EPA registered disinfectant and universal precautions.

(f) Clean all work areas and equipment used in handling human biohazardous materials with an EPA-registered disinfectant when concluding work to protect personnel from accidental infection.

(g) Eating, use of tobacco products, and applying cosmetics or lip balm are not permitted in the work area. Drinking will be allowed only when a single-use cup that has a secure lid and straw is used in a way as to prevent the contamination of the artist's hands.

(h) All procedures shall be performed carefully to minimize the creation of aerosols.

(i) Employees shall report all work related accidents, incidents, and unexplained illness to your supervisor and/or physician immediately.

(j) Soiled gloves shall be removed in a manner to minimize the risk of self-contamination or cross-contamination after each operation and prior to contacting work surfaces, door knobs, wall switches, or telephones. Dispose of used gloves in a bagged trash container.

(k) Food storage cabinets or refrigerators shall be located outside the work area.

X. Sterilization.

(1) An ultrasonic cleaning unit and operational medical-grade autoclave (Class B) shall be provided in each body art studio.

(2) Ultrasonic cleaning units shall be clearly labeled "biohazardous" and shall be operated in accordance with the manufacturer's recommendation.

(3) The ultrasonic cleaning unit and medical grade autoclave shall be used and maintained according to manufacturer's specifications. Each ultrasonic cleaning unit and medical-grade autoclave shall be emptied and thoroughly cleaned and disinfected per manufacturer's recommendations. Ultrasonic cleaning unit and autoclave maintenance records must be maintained for two (2) years and be made available upon request.

(4) Used non-disposable instruments shall be kept in a separate labeled, puncture-resistant container until cleaned. The cleaning method shall include the following:

(a) Instruments should be pre-scrubbed prior to being placed into an ultrasonic cleaning unit.

(b) After removal from the ultrasonic cleaning unit, instruments should then be brush scrubbed in hot water and soap, then rinsed in clean water.

(c) Prior to being placed in the autoclave all equipment shall be bagged, labeled as to contents, initialed, dated and sealed. If multiple autoclaves are in use, the autoclave used must be designated on the packaging.

(d) Instruments shall then be packed individually in sterilized packs and sterilized in a medical-grade autoclave. All sterilized packs shall contain either a sterilized indicator or internal temperature indicator.

(e) Each autoclave bag must be used in accordance with the manufacturer's recommendations and may hold no more than one (1) individual item (ex. one tube or needle bar). A piercing set may be bagged together.

(5) After sterilization, the packaged instruments shall be stored in a clean dry cabinet or other tightly covered container reserved and labeled for storage of sterile instruments.

(6) If a sterilized package has been breached or allowed to get wet, the instrument(s) must be re-packaged and sterilized again before use.

(7) A log of sterilization procedures shall be maintained near the sterilizing equipment. Included in the log shall be type of load, quantity of load, temperature, pressure and length of sterilizing time.

(8) Spore indicators shall be used a minimum of at least once a month unless the manufacturer specifies more frequent monitoring or after forty (40) hours of usage, whichever comes first, and the results must be kept on-site for a minimum of two (2) years. An independent commercial testing laboratory contracted by the operator/ body artist or both shall perform monthly biological spore testing of the autoclave. A provision shall be included in the contract between the operator or body artist (or both) with the commercial testing laboratory requiring the commercial testing facility to notify the Health Authority of any failure of the autoclave to eradicate all living organisms, including spores.

(9) Upon notification of a positive microbiological monitoring report, the sterilizer shall be immediately checked for proper use and function and the operator shall cease use of the sterilizer immediately upon receipt of the positive report. Any items remaining bagged after sterilization must be reprocessed and sterilized by an autoclave approved for use prior to return to service. Three (3) consecutive negative biological tests must be achieved before the studio is reopened. The studio shall have the option to obtain a properly functioning sterilizer with a negative biological report in order to remain open or if the studio has more than one autoclave in operation they may be given approval to remain open. The Health Authority will consider the body art studio's emergency plan should autoclave failure or malfunction occur.

(10) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

XI. Dyes and Pigments.

(1) All dyes and pigments used in tattooing shall be from commercial professional suppliers specifically manufactured as dyes and/or pigments only for the tattooing of human skin.

(2) In preparing or mixing of dyes or pigments, only nontoxic sterile materials shall be used. Dyes or pigments shall be mixed and placed in sterile individual single-use containers.

(3) After tattooing, the remaining unused dye or pigment in the single-use container(s) shall be properly discarded along with the container(s).

XII. Tattoo Preparation.

(1) Medical grade disposable gloves shall be worn during the preparation of equipment for a tattoo procedure and during the procedure. Vinyl gloves are not permissible.

(2) Only a commercially packaged, single-use, pre-sterilized needle assembly with bar shall be used and disposed of immediately after use into a puncture-proof, autoclavable container, or disposable biohazard container.

(3) Sterilized instruments shall remain in sterile packages until opened in front of the client.

(4) Any part of a tattooing machine that may be touched by the artist during the procedure shall be covered with a disposable plastic sheath that is discarded after each procedure and the machine shall be disinfected.

(5) A clip cord sleeve and barrier film shall be used over exposed electrical cords or other approved cleaning and disinfection methods demonstrated to prevent contamination.

(6) All devices used to apply pigments must be designed and used to prevent backflow of pigments into the machine.

(7) Single-use towels or gauze shall be used in preparing the site to be tattooed and shall be disposed of after use on each patron or client.

(8) If shaving is necessary, single-use disposable razors shall be used and discarded between clients and as otherwise needed.

(9) After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be cleaned with soap and water, rinsed with clean water, and germicidal solution applied in a sanitary manner before each placement of design on the skin.

(10) When a workstation rinse cup is used alone, the cup and solution shall be disposable and discarded after each client.

(11) If squirt bottles are used to dispense liquids, the liquid shall be squirted onto a single-use wipe rather than directly onto the client.

(12) Single-use ointment tubes, applicators, and supplies shall be discarded after each tattoo application.

(13) When a paper stencil is used by a tattoo artist for transferring the design to the skin, it shall be single-use and disposable. The use of roll-on or stick deodorants for tattoo site preparation is prohibited.

(14) The stencil shall be applied with antimicrobial soap or a Health Authority- approved product dispensed from a container in a manner that does not contaminate the unused portion.

(15) When the design is drawn directly onto the skin, autoclavable, pre-sterilized, pens shall be used or single-use, non-toxic pens or markers shall be used and discarded after each use.

XIII. Body Piercing Preparation.

- (1) Medical grade disposable gloves shall be worn during the preparation of equipment for a piercing procedure and during the procedure. Vinyl gloves are not permissible.
- (2) Only a commercially packaged, single-use, pre-sterilized piercing needle shall be used and disposed of immediately after use into a puncture proof, auto-clavable container, or disposable biohazard container. No approved tool may be modified and used for anything other than its intended use.
- (3) Pre-sterilize all forceps, hemostats, calipers, and tubes in sealed, properly labeled, sterile indicator bags. These items are to be used on one person, in one sitting. After one such use, they must be cleaned in an ultrasonic cleaner, placed in sealed indicator bags, properly labeled, autoclaved and stored in sterile indicator bags.
- (4) Sterilized instruments shall remain in sterile packages until opened in front of the client.
- (5) Single-use towels or gauze shall be used in preparing the piercing site and shall be disposed of after use on each patron or client.
- (6) If shaving is necessary, single-use disposable razors shall be used and discarded between clients and as otherwise needed.
- (7) After shaving the area to be pierced, or if the area does not need to be shaved, the piercing site shall be cleaned with soap and water, rinsed with clean water, and germicidal solution applied in a sanitary manner before beginning the procedure.
- (8) In the case of oral piercings, the operator shall provide the individual with antimicrobial mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided and rinses for a minimum of thirty (30) seconds prior to the procedure. In the case of a lip, labret, or cheek piercing, procedures described in this section for both skin and oral piercings shall be followed.

XIV. Piercing Jewelry.

- (1) Client and body piercer should have appropriate size and quality jewelry chosen before the procedure begins.
- (2) Jewelry used in piercing shall consist of a material rated by the ASTM or the ISO as being suitable for permanent surgical implant, such as stainless steel, titanium, niobium, solid platinum or a dense low porosity plastic such as Tygon or PTFE. Copies of the jewelry manufacturer's documentation, which verify compliance with standards, must be available for inspection on request. Solid 14 karat or higher, white or yellow nickel-free gold may also be used. Purity verification must be available for inspection on request.
- (3) The jewelry must be free of nicks, scratches, or irregular surfaces.
- (4) All jewelry must be properly sterilized prior to use in a medical grade autoclave, stored in sterile indicator bags, sealed and dated. Any two-piece or multi-piece jewelry that is screwed or pieced together must be separated prior to sterilization.
- (5) Should jewelry become contaminated during the piercing process, a sterile piece of jewelry must be used or re-sterilization must occur.
- (6) Ear studs or other jewelry designed for ear lobe piercing are not appropriate jewelry for other body parts and must not be used by body piercers.

XV. Body Art After Care.

- (1) The completed tattoo shall be washed with a single-use towel saturated with an antimicrobial solution.
- (2) After the area has dried, apply a layer of antibacterial ointment or other approved product from a single-use collapsible or plastic tube.
- (3) A sterile bandage or dressing shall then be applied to the tattoo using a sealed non-sticking pad or wrap.
- (4) Verbal and written instructions, approved by the Health Authority for the care of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instruction shall include, at a minimum: what to do, what to avoid, suggested care solutions/over-the-counter balms or treatments, cleaning instructions, and what to look for during the healing process. The written instructions shall advise the client to consult a physician at the first sign of infection and will contain the name, address and phone number of the establishment. The instructions will also list the name, address and phone number of the Environmental Health Section of the health department advising the client to call with questions regarding the facility. The document shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records for a minimum of three (3) years after the procedure.
- (5) Use either one or both of the following after care solutions for body piercing:
 - (a) Packaged sterile saline solution with no additives (read the label) or non-iodized sea salt mixture.
 - (b) Liquid anti-microbial or germicidal soap.

XVI. Disinfection of Workplace.

- (1) Each body art studio must be kept clean and sanitary. The owner must develop and implement a written cleaning schedule that includes appropriate methods of decontamination and tasks or procedures to be performed.
- (2) This written schedule must be based on the location within the studio, the type of surfaces to be cleaned, type of possible contamination present, the tasks or procedures to be performed, and their location within the studio.
- (3) The following procedures should be adhered to:
 - (a) A Body Artist shall only conduct body art activities under sterile conditions.
 - (b) Clean and sanitize all equipment and work surfaces with an appropriate EPA-registered disinfectant after completion of the body art procedures and at the end of the work shift or when surfaces have become contaminated since the last cleaning.
 - (c) Remove and replace protective coverings after each body art procedure.
 - (d) Inspect and decontaminate, on a daily basis, reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated. When contamination is visible, clean and decontaminate receptacles immediately.

XVII. Disposal of Biomedical Waste.

- (1) Needles, razors, or other sharp instruments used during body art procedures, shall be placed in Puncture-resistant, closed containers immediately after use, handled and disposed of according to the provisions of this Chapter.

- (2) Used needles shall not be purposely bent or broken, or otherwise manipulated by hand.
- (3) Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in an approved "red bag", which is marked with the International Biohazard Symbol.
- (4) Waste containers shall be kept closed when not in use.
- (5) Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.
- (6) Biomedical waste shall not be stored outdoors unless in a secured, locked container, or comply with County/City Solid Waste Ordinances.
- (7) All regulated wastes shall be separated from non-regulated waste, disposed of in labeled, manufacturer's color-coded waste containers with color-coded, puncture-resistant bags and shall be removed from the premises by a disposal company certified to handle biohazard waste products. Waste Hauler Manifests for contaminated waste transport and disposal must be kept on-site for three (3) years and be presented for inspection upon request.
 - (a) All sharps must be immediately placed after use in puncture resistant containers that are approved for the use of regulated waste.

- 1. Sharps containers must not be allowed to overfill, must be used according to manufacturer's instructions

(8) Transfer of Biomedical Waste to Off-Site Treatment or Disposal Facilities

- (a) Any generator of biomedical waste shall transfer custody of the waste only to a collector who is operating under authority of these Rules.
- (b) All biomedical waste generated by a facility must have custody of the waste transferred only to a collector who is operating under the authority of OCGA 391-3-4.15 as amended. The disposal of biomedical waste generated by a tattoo or body piercing facility by landfilling is prohibited.

(9) Regulated waste, including sharps, must be removed from the body art establishment when the container reaches its maximum load as indicated by the size of the container not to exceed 90 days. Documentation of regulated waste removal must be maintained for (3) years

XVIII. Client Files.

(1) Every client shall complete an application and consent form approved by the Health Authority prior to having any Body Art activity performed upon or to their body. Minors must have permission for piercings (where allowed).

(2) The application and consent form shall contain a minimum of the following:

- (a) Name;
- (b) Age;
- (c) In the case of piercings for a minor client, the parent's or legal guardian's name, proof of parentage or legal guardianship through a copy of a birth certificate or court order of guardianship respectively, or a notarized document signed by the parent or legal guardian attesting to the parent's or legal guardian's relationship to the minor client and the consent to conduct the contemplated Body Art activity upon the minor client;
- (d) A brief description of the Body Art activity to be performed;

- (e) The phone number of the county health department and instructions for the client, or in the case of a minor client the minor client and his/her parent or legal guardian, to contact the health department with any complaint, question or concern regarding safety, sanitization or sterilization procedures;
- (f) The name of the Body Artist who is to conduct the Body Art upon the client or minor client and the Artist's license number;
- (g) Signature of the client, or in the case of a minor client – the signature of the client's parent or legal guardian signed in the presence of the Body Artist;
- (h) The signature of the Body Artist; and
- (i) The date(s) of all signatures.

(3) A client shall inform the Body Artist of any known chronic medical or communicable conditions, including, but not limited to the following:

- (a) Diabetes;
- (b) History of hemophilia;
- (c) History of skin disease, skin lesions, or skin sensitivities to soap, disinfectants, etc.;
- (d) History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
- (e) History of epilepsy, seizures, fainting or narcolepsy;
- (f) The taking of medications such as aspirin or other anticoagulants, which thin the blood and or interfere with blood clotting;
- (g) History of or suspicion of adverse reaction to latex or products containing latex;
- (h) History of keloid formation.

(4) A client shall inform the Body Artist of a known pregnancy or possibility of a pregnancy.

(5) The Body Artist shall inform the client, verbally and in writing that the health conditions outlined in (3) and (4) may increase health risks associated with receiving a body art procedure.

(6) The Body Artist shall require the client to sign a release form confirming that information in (3) and (4) was obtained or attempted to be obtained and the client refused to disclose the same.

(7) For each client, proper records of identification, an application and consent form, a description and location of the body art received, and copies of the following forms shall be kept and retained for a minimum of three (3) years at the studio:

- (a) A statement by the client attesting that he/she is not under the influence of alcohol and/or drugs.
- (b) Procedures signed by the client advising them of proper subsequent care of the body art.
- (c) A copy of an informational sheet signed by the client informing them of the risks involved and possible complications that might result from the body art procedure.

XIX. Personnel - Files

(1) Every applicant for a Body Art license or renewal of a Body Art license, in order to be qualified for such License, shall provide to the Health Authority evidence of satisfaction of the following:

- (a) Health Department Exam;
- (b) Current certification in Health Department-approved Basic First Aid and Cardio-Pulmonary Resuscitation;
- (c) Successful completion of a course on Prevention of Disease Transmission and Blood Borne Pathogen compliance with the OSHA guidelines given or approved by the Health Department;
- (d) Satisfactory completion of a least two years actual experience in the practice of performing Body Art activities of the kind for which a license is sought, whether such experience was obtained within or outside of the county, or evidence of a completed apprenticeship

program approved by the Body Art Advisory Committee. Two (2) years experience is defined as 2400 hours of actual experience as outlined by the Body Art Advisory Committee. If the experience or apprenticeship was obtained outside the county, the Body Art Advisory Committee will make a recommendation to the Baldwin County Board of Health or their representative after review of all applicable information which then will make a determination regarding qualification for licensure; and

- (e) Hepatitis B Vaccination Status – Disclosure. An applicant for a Body Art License shall provide the Health Authority, and shall provide to the owner of any Body Art Establishment in which the applicant intends to perform or in which he does perform body art activity, valid documentation of his Hepatitis B Virus (HBV) vaccination status stating:
 - 1. Laboratory evidence of immunity;
 - 2. Documentation stating the vaccine is contraindicated for medical reasons; Contraindications require a dated and signed licensed health care professional's statement specifying the name of the Body Artist license applicant or employee and that the vaccine cannot be given; or
 - 3. Signed certificate of vaccination declination of HBV for medical or religious reasons.

(2) The owner or governing body of each body art facility must maintain a file on all employees (including apprentices) who perform body art procedures. Employee files must be kept on location for the duration of the person's employment and for a minimum of three (3) years after the person is no longer employed. The employee files must be available for inspection and include all items listed in (1) a-d above and include a copy of a photo ID.

(3) If the artist is currently in business at the time of application for the permit and it is prior to the effective date of these rules, the above certifications/trainings must be obtained within six months (180 days) from the date the Rule adoption for the apprenticeship/experience requirement to be waived; otherwise, a license will not be granted until all conditions are met.

(4) The body art establishment operator shall make available, at no cost to the personnel, the Hepatitis B vaccination series, as well as any routine booster dose(s) to every person who may have occupational exposure to blood or other potentially infectious material. For new personnel, the vaccine shall be made available within ten (10) business days of initial work assignment.

XX. Body Art License.

(1) No person shall practice body art procedures without first obtaining a Body Art License from the County Health Department. Apprentices will hold an Apprentice License.

(2) An applicant for a Body Art License must be a minimum of eighteen (18) years of age and shall demonstrate to the Health Authority his/her successful compliance with all training, disclosure, consent and educational requirements of this Body Art Regulation prior to the issuance or renewal of a Body Art/Apprentice License by the Health Authority.

(3) Applicants shall submit a completed application provided by the Health Authority, pay a fee determined by the Baldwin County Board of Health and complete and pass a Health Department-approved exam or equivalent as approved by the Body Art Advisory Committee.

(4) Application for the Body Art License shall include:

- (a) Name;
- (b) Date of Birth;
- (c) Sex;
- (d) Residence address;
- (e) Mailing address;
- (f) Phone number;
- (g) Place(s) of employment as an operator/artist/apprentice;

- (h) Photo Identification;
- (i) Proof of successful completion of an OSHA approved Blood borne Pathogen/Universal Precautions training program and Basic First Aid/CPR classes given or approved by the Department; and
- (i) Proof of completion of an approved apprenticeship [two (2) years experience defined as 2400 hours of actual experience as outlined by the Body Art Advisory Committee] in a licensed establishment in Georgia or other state to include the minimum established requirements.

(5) No Body Art License will be issued without successfully completing an OSHA-approved course in Blood borne Pathogens/Universal Precautions and Basic First Aid/CPR.

(6) Acting within scope of license: A body artist shall only perform that form of body art that is indicated in the Body Art License application submitted to the Health Department to receive the license.

(7) The Body Art License shall be valid from the date of issuance and shall automatically expire in one (1) year and must be renewed unless revoked sooner by the Health Authority.

(8) In order for a Body Art License to be renewed, continuing education classes approved by the Body Art Advisory Committee must be attended and a set renewal fee must be paid to the Health Department. Body artists must attend a department approved continuing educational class on Blood borne Pathogens/Universal Precautions every two (2) years.

(9) It is understood that body artists from other states/districts/jurisdictions that do not require licensure may apply for a license. In this case, the application must be approved by the Body Art Advisory Committee. For an artist's application to be considered by the Body Art Advisory Committee, all conditions of this section must be met to include at least two (2) years prior experience as documented by the following:

(a) Letter of experience (new applicants only). The letter must include:

- (1) Date, Artist legal name, address, phone number and all alias';
- (2) Facility name, facility address and phone number of where the artist desires to work;
- (3) Dates of previous employment and job duties (e.g. tattoo and/or body piercing); and
- (4) Signature of owners or managers of facilities where previously employed validating prior employment and their contact information.
- (5) If items 3 and 4 cannot be obtained, an apprenticeship must be conducted.

Note: If operator was self-employed, a copy of their business license is accepted as proof of experience/training. Proof will also be considered as tax records, copy of another state's tattoo artist license, or other similar city, county, state, or federal documents which show the prospective applicant as having been in business or operating for two (2) years elsewhere. The Body Art Advisory Committee shall have final approval on other forms of documentation submitted as evidence or proof.

(10) All Body Art licenses shall be posted in a prominent and conspicuous area approved by the Health Authority upon entry to the facility as well as in each artist's work area where they may be readily observed by clients during the procedure.

(11) Guest Body Art License.

- (a) No visiting body artist shall practice body art without a Guest Body Art License issued by the Health Authority.
- (b) The department may issue a seven (7) day license to an individual holding a license or similar certificate or registration to engage in the practice of body art issued under the jurisdiction of another city, county, or state of the United States. Such guest body art

license will allow a person to practice body art under the direct supervision of a body artist holding a valid body art license issued by the Health Authority. The issuance of a Guest Body Art License is conditional upon the applicant demonstrating the following:

- (1) The applicant has received training equivalent to the minimum training requirement set by this Body Art Regulation;
 - (2) The applicant shall provide a letter of consent signed by a body artist licensed by the Health Authority, a copy of the body art license, and a copy of the body art facility permit where the applicant will perform body art; and
 - (3) Application fee paid to the Health Department.
- (c) A Body Artist licensed by the Health Authority requesting to have a Guest Body Artist perform under his/her supervision shall:
- (1) Require that the Guest Body Artist notify the Health Authority in writing ten (10) days in advance of the requested date of the guest body art license; and
 - (2) Require that the visiting Body Artist obtain a Guest Body Art license from the Health Authority.

(12) Apprentice License.

- (a) No person shall begin to learn the practice body art procedures without first obtaining an Apprentice License from the County Health Department.
- (b) An applicant for an Apprentice License must be a minimum of 18 years of age and shall complete the following requirements prior to the issuance of a body art license:
 - (1) Proof of successful completion of an OSHA-approved Blood borne Pathogen/ Universal Precautions training program and Basic First Aid/CPR classes given or approved by the Health Department;
 - (2) Proof of completion of an approved apprenticeship (two years experience defined as 2400 hours of actual experience as outlined by the Body Art Advisory Committee) in a licensed establishment in Georgia or other state to include the minimum established requirements; and
 - (3) Pass a Health Department-approved exam or equivalent as approved by the Body Art Advisory Committee.
- (c) Apprentice applicants shall submit a completed application provided by the Department and pay a fee determined by the Baldwin County Board of Health.
- (d) Application for the Apprentice License shall include:
 - (1) Name;
 - (2) Date of Birth;
 - (3) Sex;
 - (4) Residence address;
 - (5) Mailing address;
 - (6) Phone number;
 - (7) Place(s) of prior employment as an apprentice if applicable;
 - (8) Photo I.D.; and
 - (9) Letter of employment/apprenticeship (new applicants only). The letter must be from the owner of a permitted facility where they will be working and include:
 - a. Date, facility name, facility address and phone number.
 - b. Applicant's job duties (e.g. tattoo, and/or body piercing).
 - c. Signature of owner or manager of facility granting permission for applicant to

serve as an apprentice in their facility and their contact information.

- (e) Acting within scope of license. An apprentice shall only perform the form of body art that is indicated in the Apprentice License application submitted to the Health Department to receive the license. All apprentices must work under the supervision of a body art professional relative to the area indicated on their apprentice license.
- (f) A body art professional is a designation granted by the Body Art Advisory Committee to those individuals who make application to the Baldwin County Board of Health and meet the following qualifications:
 - (1) Ten (10) years experience as a tattoo artist and/or ten (10) years experience as a body piercer as evidenced by documentation outlined in 9(a) of this section and submitted with the application;
 - (2) A history of facility compliance as determined by the Committee; and the
 - (3) Individual must be in good standing with the Health Authority
- (g) The Apprentice License shall be valid from the date of issuance and shall automatically expire in one (1) year and must be renewed unless revoked sooner by the Department.
- (h) All Apprentice Licenses shall be posted in a prominent and conspicuous area approved by the Health Authority upon entry to the facility.
- (i) Each client must be notified in writing that the work they are receiving is being performed by an apprentice and not a fully licensed body artist.

XXI. Application for Permit.

- (1) The administrative body of each body art studio shall submit to the local County Health Department an application for a permit to operate under the rules and regulations. No studio shall be operated and no body art performed without such permit, which is current under these rules and regulations.
- (2) A new or initial application is required for a body art establishment that has not previously been permitted at the time this rule goes into effect or for instances when ownership changes.
- (3) To be eligible for a permit the studio must be in compliance with these rules and regulations.
- (4) The application for permit shall be made on forms provided by the County Health Department.
- (5) Each application for a permit shall be accompanied by an 8 ½" x 11" or larger page containing a detailed floor drawing to scale of the body art studio. Such drawing shall show the accurate placement of each of the following: windows, doors, room measurements, chairs, tables, sinks, bathrooms, waiting area, and all equipment placement whether affixed or not for clients and/or staff.
- (6) Specification sheets for all equipment to be located in the facility to include tattooing machines, autoclaves, hot water heaters, etc
- (7) A listing of the names of all staff including the owner who will be working in the studio shall be included with the application for a permit. This listing shall include the full name and nicknames of each staff person.
- (8) The ownership of the studio shall be fully disclosed in its application for a permit.
- (9) Zoning and other local requirements regarding proper location and establishment of body art studios to include building, plumbing and electrical codes shall be addressed by the applicant with the responsible local officials.

(10) Prior to the issuance of the permit to new or existing establishments the applicant shall provide evidence of satisfactory compliance with the provisions of this Chapter and all other provisions of laws that apply to the location, construction and maintenance of body art establishments and the safety of persons therein.

(11) Existing Establishments and Personnel.

- (a) Existing body art establishments and artists in operation at the time these Rules and Regulations are adopted shall make application for a permit and/or a license within six (6) months of the adoption date. Failure to make application within six (6) months of the Rule's adoption will result in the existing establishment and/or artist's inability to be considered under the provisions of 8(b) and (c) of this Section.
- (b) The Health Authority may approve up to a twelve (12) month period from the date of application for compliance of physical facilities of existing establishments; provided however that no exemptions will be granted for circumstances presenting an immediate threat to public health such as lack of potable water, toilet facilities, waste disposal, adequate lighting, adequate sinks and lavatories, and universal precautions.
- (c) Body artists operating at the date of adoption of these Rules must be certified in Bloodborne Pathogens/Universal Precautions, Basic First Aid/CPR certification, receive all vaccinations, and pass the Health Department exam within six (6) months of the Rule's adoption date. Failure to comply will result in the Health Authority's inability to permit the artist as existing personnel and all provisions of the "Artist License Section" will apply.

(12) Temporary Body Art Facilities.

- (a) A Temporary facility permit may be issued for Body Art services provided outside of the physical site of a facility registered with the Health Authority for the purpose of product demonstration in connection with Body Art conventions or industry trade shows.
- (b) A Temporary Body Art Establishment permit may be obtained by the operator of a body art establishment holding a current body art permit after submitting an application for a temporary facility. Such application must contain the location, the operating days, hours of operation of the temporary facility, and the plans/description of the temporary facility.
- (c) Temporary facility permits will not be issued unless:
 - 1. The applicant is a minimum of eighteen 18 years of age and demonstrates to the Health Authority his/her successful compliance with all training, disclosure, consent and requirements of this Body Art Regulation.
 - 2. Application for a permit for the practitioner and/or temporary facility has been submitted for review by the Health Authority, at least thirty (30) days prior to the event.
 - 3. The applicant has paid all required fees set by the Board of Health.
- (d) The following criteria pertain to temporary facilities permitting and licensing:
 - 1. No permit and/or license for a temporary body art establishment may be issued for more than seven (7) consecutive days.
 - 2. An applicant for a Temporary Body Art Establishment permit and/or license shall not

receive more than two consecutive seven (7) day permits and/or license during a thirty-day (30) period.

3. Temporary facility permits and/or license shall not be transferable from one place to another or from one person to another.
4. Temporary facility permits and/or licenses shall be posted in a prominent and conspicuous place as determined by the Health Authority so clients can readily observe them.

XXII. Establishment Permit.

(1) The Health Authority shall issue a body art establishment permit:

- (a) After an inspection of the proposed facility reveals that the facility is in compliance with requirements of these rules, and
- (b) Upon receiving a completed application with applicable fees.

(2) The permit shall be displayed as near the front entrance as practical or as determined by the Health Authority but in a conspicuous place that is easily visible to the public. The facility shall also post near the public entrance in conspicuous view [in the same area as the most current inspection report – within fifteen (15') of the front or primary public door and between five feet (5') and seven feet (7') from the floor and in an areas where it can be read at a distance of one foot (1') away] the name, address and phone number of the Health Authority.

(3) The facility shall also post near the public entrance in conspicuous view (in the same area as the most current inspection report - within fifteen feet (15') of the front or primary public door and between five feet (5') and seven feet (7') from the floor and in an area where it can be read at a distance of one foot (1') away) the name, address and phone number of the local County Health Department and the procedure for filing a complaint.

(4) Establishment permits automatically expire in one (1) year, must be renewed unless revoked sooner by the Health Authority, and are not transferable from one studio to another.

(5) Responsibilities of the Permit Holder. Upon acceptance of the permit issued by the Health Authority, the permit holder in order to retain the permit shall:

- (a) Comply with the provisions of this Chapter including the conditions of a granted variance;
- (b) Immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist as defined under this Rule;
- (c) Allow representatives of the Health Authority access to the body art establishment as specified;
- (d) Replace existing facilities and equipment with facilities and equipment that comply with this Chapter if:
 1. The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted,
 2. The Health Authority directs the replacement of the facilities and equipment because of a change of ownership, or
 3. The facilities and equipment are replaced in the normal course of operation;

- (e) Comply with directives of the Health Authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Health Authority in regard to the permit holder's body art establishment
- (f) Accept notices issued and served by the Health Authority according to law; and
- (g) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Chapter or a directive of the Health Authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

(6) Training/Experience Requirements:

- (a) An existing body artist wanting to open a body art establishment must provide proof of experience with an approved apprenticeship [minimum of 2400 hours documented within a twenty-four (24) month period], proof of current licensing, Bloodborne Pathogen/Universal Precautions training, Basic First Aid/CPR, and successful completion of the Health Department exam.
- (b) Reciprocity. For body artists from other states/districts/jurisdictions that do not have a permitting process wanting to open a body art establishment or become permitted for a temporary body art establishment, the following will be required:
 1. Letter of experience (Three years prior experience as documented by XX.9(a) of this Rule)
 2. Proof of successful completion of an OSHA approved Blood borne Pathogen/Universal Precautions training program and Basic First Aid/CPR classes given or approved by the Department; and passage of the Health Department exam

(7) A permit shall no longer be valid and shall be returned to the Health Authority when the studio ceases to operate, has moved to another location, the ownership changes, or the permit is suspended or revoked.

(8) One copy of the most current version of this Body Art Regulation must be at the facility at all times. If not provided by the county health department, the health department must provide a location or website whereby a copy of the regulations may be obtained.

(9) A studio, which fails to comply with these rules and regulations, shall be subject to the sanctions available to the Health Authority pursuant to O.C.G.A. §31-5 including but not limited to denial or revocation of its permit by the Health Authority.

XXIII. Inspections.

(1) The studio and all its records shall be available for review and examination by properly identified representatives of the County/Department.

(2) A copy of the inspection report shall be displayed in a conspicuous, common area near the front entrance or as determined by the Health Authority [within fifteen (15') of the front or primary public door and between five feet (5') and seven feet (7') from the floor and in an areas where it can be read at a distance of one foot (1') away] and also shall be available for public inspection at the appropriate county Health Department office wherein the studio is located if applicable.

(3) Representatives of the Health Authority, after proper identification, shall be permitted to enter any body art facility or operation at any reasonable time as determined by the Health Authority for the purpose of making inspections and review of pertinent records to determine compliance with this Chapter. Should access be denied, an inspection warrant may be obtained as authorized in O.C.G.A. § 31-5, Article 2.

(4) Body Art Facilities shall be subject to inspection at reasonable hours no less than twice annually and as often as is deemed necessary by the Health Authority to ensure adequate compliance with the provisions of these rules. The permit holder is responsible for providing a person or persons at the time of inspection who are authorized and able to provide access to all rooms, facilities and records of the body art facility and who can demonstrate that there is sufficient daily oversight of employees and routine monitoring of operations.

(5) If a person denies access to the Health Authority, the Health Authority shall:

- (a) Inform the person that:
 - (1) The permit holder is required to allow access to the Health Authority,
 - (2) Access is a condition of the acceptance and retention of a body art establishment's permit to operate, and
 - (3) If access is denied, an inspection warrant, issued by the appropriate authority to order access, may be obtained according to law; and
- (b) Make a final request for access.

(6) Inspections may consist of the health officer/inspector accompanied by representatives of the nursing section of the Health Department.

(7) Health Officers/Inspectors must complete an OSHA approved Blood borne Pathogens/ Universal Precautions, Basic First Aid/CPR, written exam, and field experience [five (5) supervised inspections] prior to conducting solo inspections of permitted establishments.

(8) Inspection results - Reporting and Scoring.

- (a) Inspection results for body art establishments shall be recorded on standard Health Department forms.
- (b) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of five (5) points, with minor violations having assigned values of either one (1) or two (2) points.
- (c) The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).

(9) Violation Correction.

- (a) Correction of imminent health threats, critical and minor violations shall be corrected immediately, within seventy-two (72) hours, and ten (10) calendar days, respectively.
- (b) Upon declaration of an imminent health hazard which cannot be immediately corrected, the local Health Authority shall issue an order requiring the facility to immediately cease operations until authorized to reopen.
- (c) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed ten (10) calendar days after the inspection, for the permit holder to correct violations.
- (d) Failure to correct these violations to the satisfaction of the Health Authority/Department may result in such emergency action as deemed necessary by the Health Authority/Department including actions pursuant to O.C.G.A. § 31-5-2; § 31-5-9(a).

(e) In the case of temporary body art facilities, all critical violations shall be corrected immediately or provisions made to satisfy the violation until complete correction can be made within twenty-four (24) hours. If critical violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease operations until authorized to resume by the Health Authority or its duly authorized representative. Upon declaration of an imminent health hazard which cannot be immediately corrected, the Health Authority shall issue an order requiring the facility to immediately cease operations until authorized to reopen.

(f) Follow up inspections when required will be performed within a forty-five 45 day period.

(10) Upon the completion of the inspection, the Health Authority shall have the person in charge sign the inspection report form. The person in charge's signature shall not necessarily indicate agreement with the findings noted on the inspection.

(a) The Health Authority shall:

1. Inform a person who declines to sign an acknowledgment of receipt of inspection findings that:
 - (I) An acknowledgment of receipt is not an agreement with findings,
 - (II) Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified, and
 - (III) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Health Authority's historical record for the body art establishment; and
2. Make a final request that the person in charge sign an acknowledgment receipt of inspectional findings.

(11) Failure to make timely corrections to the satisfaction of the Health Authority/Department may subject the body art establishment to suspension or revocation of its permit pursuant to this Rule.

(a) The Health Authority may approve a compliance schedule that extends beyond the time limits specified under (8) of this subsection if a schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

(11) Voluntary Closure. A body art establishment that is graded with two critical violations or does not correct the violations within seventy-two (72) hours (if allowed) of receiving inspection report will be requested to voluntarily close until all violations are corrected and/or have enforcement action taken to suspend or revoke the establishment's permit according to this Rule.

XIV. Variance.

(1) Modifications and Waivers. The Board of Health may grant a variance by modifying or waiving the requirements of this Chapter if in the opinion of the Health Authority a health hazard or nuisance will not result from the variance and if it is determined that literal enforcement of such provision will result in unnecessary hardship to the applicant. Variance request cannot be contrary to the public interest, public health and/or safety of the clients.

(2) Documentation of Proposed Variance and Justification. Before a variance from a requirement of this Chapter is considered, the information shall be provided in writing on forms provided by the Board of Health setting forth in detail the basis upon which the request is made by the person requesting the variance and will include:

- (a) A statement of the proposed variance of the Chapter requirement citing relevant rule and subsection numbers;
- (b) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant rules and subsections will be alternatively addressed by the proposal; and
- (c) All supporting documentation as it is relevant to the variance requested.

XXV. Implementation, Enforcement, Penalty.

(1) The administration and enforcement of these rules and regulations shall be as prescribed in O.C.G.A. § 31-5. The Board of Health shall have the power and authority to suspend or revoke permits for failure to comply with the provisions of this chapter. Implementation of these rules and regulations shall begin six (6) months after the effective date.

(2) Each county board of health shall have primary responsibility for the enforcement of these Rules and Regulations within its jurisdiction and may include adoption as code by the governing bodies of counties and municipalities for the purpose of enforcement.

(3) No body art studio shall operate without a permit. Failure or refusal to file an application for a permit shall constitute a violation of Chapter 40 of Title 31 of the Official Code of Georgia Annotated. Any person who fails or refuses to file including, but not limited to, an order to cease and desist operating a body art studio shall be subject to an injunction or other penalties from a court of jurisdiction.

(4) Suspension is effective upon service of a written notice thereof, and body art procedures must cease immediately.

(5) Conditions Warranting Action. The Health Authority may summarily suspend a permit to operate a body art establishment if it determines through inspection, or examination of employees, records, or other means as specified in this Chapter, that an imminent health hazard exists.

(6) Resumption of Operations. If operations of a body art establishment are discontinued due to the existence of an imminent health hazard or otherwise according to law, the permit holder shall obtain approval from the Health Authority before resuming operations.

(7) Penalty. Any person who violates any provision of this Article or any rule or regulation promulgated under O.C.G.A. § 31-40 by the Health Authority shall be guilty of a misdemeanor.

XXVI. Severability.

If any provision or subpart thereof contained in this Body Art Regulation is found to be invalid, unconstitutional, or in conflict with O.C.G.A. or a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

References

North Georgia Health District 1-2, Division of Public Health, Rules and Regulations of Body Art Studios and Tattoo/Body Piercing Artists, effective January 1, 2009.

"Body Art" A Comprehensive Guidebook and Model Code" National Environmental Health Association, 1999.

"Procedure Manual 2013" The Association of Professional Piercers, plus multiple brochures published by this organization.

Multiple studies were considered when prohibiting the use of spring-loaded guns for cartilage piercing:

Cicchetti S, S. J. (2002). Piercing the upper ear: a simple infection, a difficult reconstruction. *British Journal of Plastic Surgery* , 194-197.

Das, P. (2002). Piercing the cartilage and not the lobes leads to ear infections. *The Lancet* , 715.

Jervis PN, C. N. (2001). Ear deformity in children following high ear-piercing: current practice, consent issues and legislation. *Journal of Laryngology and Otology* , 519-521.

More DR, S. J. (1999). Ear-piercing techniques as a cause of auricular chondritis. *Pediatric Emergency Care* , 189-192.

Effective Date

These Rules and Regulations shall become effective on

Adopted by the

Baldwin County Board of Health on

Notice of public hearing published on

Public Hearing was held on

Location of Public Hearing

Adopted by the Board of Commissioners on