

# **Fremont County Body Art Regulations**

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By Resolution(s) # \_\_\_\_\_

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# Body Art Regulations

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# Rules and Regulations for Body Art Establishments In Fremont County

## Section1: Definitions and Purpose

**1-101** Section 25-4-2101, C.R.S., provides that the local board of health may adopt and enforce resolutions or rules that impose standards for body art that are at least as stringent as the standards imposed by rules adopted by the Colorado Department of Public Health and Environment. Therefore, the Fremont County Board of Health hereby adopts and modifies these rules for the purpose of establishing the safe and sanitary practice of body art, including the physical environment where body art is performed, and the equipment used in body art procedures within Fremont County.

### **1-102** Definitions:

- (a.) **Aftercare Instructions:** Written and verbal instructions given to the client, specific to the body art procedure(s) rendered. These Instructions shall include information regarding when to seek medical treatment, if necessary.
- (b.) **Antiseptic:** A product that is labeled as useful in preventing diseases caused by microorganisms present on the skin and/or mucosal surfaces of humans. This includes products meant to kill germs and/or labeled as “antiseptic”, “microbicide”, “germicide”, or other similar term.
- (c.) **Autoclave:** Means a piece of equipment that is intended to sterilize products by means of pressurized steam.
- (d.) **Board of Health:** The Fremont County Board of Health
- (e.) **Body Art:** Means body piercing, tattooing, branding, sculpting, scarification, or cosmetic tattooing. This definition does not include practices conducted under the supervision of a physician licensed to practice medicine under Colorado law nor piercing of the outer perimeter or lobe of the ear by means of sterilized stud-and-clasp ear piercing systems.
- (f.) **Body Art Establishment:** Any location, whether temporary or permanent, where the practices of body art are performed.
- (g.) **Body Artist:** Any person who performs body art procedures.
- (h.) **Branding:** Means the process in which a permanent mark or marks are burned into the skin using either temperature, mechanical or chemical means.
- (i.) **Contaminated:** The presence or reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

- (j.) **Contamination:** To make unfit for use by the introduction or potential introduction of blood, infectious materials, or other types of impure materials.
- (k.) **Department:** The Fremont County Department of Public Health & Environment, or its authorized agents, and employees.
- (l.) **Disinfectant:** An EPA registered hospital grade disinfectant which has effectiveness against *Salmonella enterica* (choleraesuis), *Staphylococcus aureus*, and *Pseudomonas aeruginosa* or a 1:100 dilution of 5.25% sodium hypochlorite (chlorine bleach) and water, made fresh daily, dispensed from a spray bottle, and used to decontaminate inanimate objects and surfaces.
- (m.) **Disinfection:** To destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces.
- (n.) **Extensive Remodeling:** Any major alteration of an existing configuration in a body art establishment that results in one or more of the following:
1. Addition or deletion of a body art procedure station or area used to clean, sterilize, or store body art equipment, tools, and supplies;
  2. Alterations or revisions involving body art establishments or related equipment that require a building or construction permit by local building authorities;
  3. Changes or alterations that result in a deduction or increase of total space by 25% or more.
- (o.) **Gloves:** Those which are disposable and single use, and are labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy-duty, multi-use, and waterproof.
- (p.) **Hectographic:** A copy made from a prepared gelatin surface to which the original document has been transferred.
- (q.) **Invasive:** Entry through the skin or mucosa either by incision or insertion of an instrument, body ornament, or any other means.
- (r.) **Jewelry:** Any ornament inserted into the body, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold; niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces.
- (s.) **Minor:** A person under the age of eighteen (18).
- (t.) **Operator:** Any natural person or business entity that owns a body art establishment, or is responsible for compliance with these regulations.
- (u.) **Permanent Cosmetics:** Means a tattoo, whether permanent, semipermanent, or temporary, by someone other than a licensed physician,

which includes but is not limited to eyebrows, eyelids, lips, and other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation. This term includes any procedures whether referred to as, but not limited to, “permanent makeup,” “microdermapigmentation,” “micropigment implantation,” “microblading,” “micro-needling with the use of pigment,” “dermagraphics,” “cosmetic tattooing,” or any other similar procedures and for the purpose of this code has the same meaning as “tattoo.”

- (v.) **Person In Charge:** The owner, manager, or individual(s) present at the body art establishment who is responsible for the operation at the time of an inspection. If no individual is responsible, then any employed person present is the person in charge. If multiple body artists share operation of the establishment, then each artist shall be considered a person in charge and shall be accountable for all requirements of this regulation with regard to common areas and practices in addition to his/her own separate areas and practices.
- (w.) **Piercing:** Puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry or other adornment in the opening, except the puncturing of the outer perimeter or lobe of the ear with sterilized stud-and-clasp ear piercing system shall not be included.
- (x.) **Pre-Sterilized Instruments:** Instruments that are commercially sterilized by the manufacturer. Packaging shall bear a legible sterilization lot number and expiration date.
- (y.) **Procedure Area:** Any surface of an inanimate object that contacts the client’s skin during a body art procedure and all surfaces where instruments and supplies are placed during a procedure.
- (z.) **Regulated Waste:** Means liquid or semiliquid blood or other potentially infectious materials: contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials [OSHA definition 29cfr1910.1030(b)].
- (aa.) **Scarification:** An invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.
- (bb.) **Sculpting:** Means a modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
- (cc.) **Sharps:** All objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa including, but not limited to, single use

needles, scalpel blades, and razor blades. It does not include disposable safety razors which have not broken the skin.

- (dd.) **Sharps Container:** A puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation and disposal and is labeled with the Universal Biological Hazard Symbol.
- (ee.) **Single-Use:** A product or items that are intended for one time, one person use and are disposed of after use on each client, including but not limited to cotton swabs or cotton balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups and protective gloves.
- (ff.) **Sterilization:** A process that results in the total destruction of all forms of microbial life, including highly resistant bacterial spores.
- (gg.) **Sterilization Area or Sterilization room:** means a room or enclosed area, set apart, and used only to clean, decontaminate, and sterilize instruments.
- (hh.) **Sterilizer:** An autoclave that utilizes steam as the method of sterilization and which has been designed and labeled by the manufacturer as a class 2 medical instrument sterilizer and is used for the destruction of microorganisms and their spores.
- (ii.) **Substantial Compliance:** Means that during the most recent health and sanitization inspection by Fremont County Department of Public Health & Environment no critical violations and no more than five (5) violations in total were cited.
- (jj.) **Tattooing:** Any act of placing ink or other pigment into or under the skin or mucosa by puncturing with a needle or other means, to permanently change the color or appearance of the human skin or to produce an indelible mark or figure visible through the human skin. This includes permanent cosmetics.
- (kk.) **Temporary Event:** Either a trade show, fair, street market, flea market, and other similar event at which people assemble outside or in otherwise open facilities, whether under roof or not, for the purpose of sale, trade, barter, or exchange of goods or services.
- (ll.) **Universal Precautions:** A set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B, and other blood borne pathogens as defined by the Centers for Disease Control. Under Universal Precautions, blood and certain body fluids of all individuals are considered infectious.

(mm.) **Workdays:** Workdays are based off of the department's work schedule which consists of Monday through Thursday with the exception of Fremont County Observed Holidays.

**Section 2: Minimum Requirements for Body Artists:**

**2-201 All body artists shall comply with the following:**

- (a.) Successfully complete an OSHA approved blood-borne pathogens training. Proof of training in the form of a Certificate of Completion shall be retained and made available to the Department upon request.
- (b.) Update the training required in section 2-201(a), at a minimum, of once per year.
- (c.) Possess and demonstrate knowledge of Universal Precautions, disinfection and sterilization techniques, procedures for infection and exposure control required in section 7-701(a), and the Infectious Waste Management Plan required in section 7-701(b)4; and
- (d.) Receive vaccination against hepatitis B (HBV) or provide a written statement to the person in charge of the body art establishment stating that he or she declines the vaccination.

**Section 3: Minimum Requirements for Body Art Establishments:**

**3-301** Prior to opening a body art establishment, reopening in a new location, or opening under different ownership, the operator is required to obtain a Certificate of Substantial Compliance from the department. A Certificate of Substantial Compliance is valid for a period of up to one year, July 1<sup>st</sup> to June 30<sup>th</sup>, and shall be renewable on the first of July each year.

**3-302** The body art establishment must have a person(s) in charge at all times who is responsible for the operation.

**3-303** The following information on each body artist or employee of a body art establishment shall be on file and available for inspection by the department:

- (a.) Full Legal Name;
- (b.) Home Address;
- (c.) Home phone number;
- (d.) Proof that all employees handling sharps and/or infectious waste have either completed or declined in writing, the hepatitis B vaccination series. This offering shall be included as a pre-employment requirement and comply with 2-201(d).

(e.) Proof that all employees handling sharps and/or infectious waste have completed an OSHA approved blood-borne pathogens training in accordance with 2-201(a).

**3-304**

The person in charge shall have access to the following information and it shall be on the premises for review by the department:

(a.) Contract or agreement for sharps disposal and/or other infectious/Regulated Waste disposal;

(b.) Spore test log and test results;

(c.) Client records;

(d.) Manufacturer's information on sterilization equipment; and

(e.) Infection and exposure control written procedures.

**Section 4: Client Records:**

**4-401**

The person in charge shall have access to and shall maintain client records on the premise for a minimum of three (3) years. The client records shall be available for review by the department.

**4-402**

The following information shall be documented and used by the body artist to determine the client's suitability for receiving a body art procedure. In order to assure insofar as possible, the proper healing of a client following a body art procedure, the client shall be asked to disclose if he/she has any of the following:

(a.) Diabetes;

(b.) Pregnant or breastfeeding;

(c.) Hemophilia;

(d.) Skin diseases or skin lesions;

(e.) Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps, or metals;

(f.) Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting; and

(g.) Any other information that would aid the body artist in the client's body art healing process evaluation.

**4-403**

A client consent form shall be completed for all procedures and include the following:

- (a.) Name, address, and phone number, age and signature of the client;
- (b.) Date of the procedure;
- (c.) The type and location of the body art;
- (d.) Sterilization date or lot number or instruments used for the procedure;
- (e.) Manufacturer and lot number information of pigments or inks used;
- (f.) The name or identifier name of the body artist performing the procedure as well as the name, address, and phone number of the establishment.
- (g.) Documentation that both written and verbal instructions regarding risks, outcome and aftercare were given including:
  - 1. Direction of when to consult a physician to include signs of infection allergic reaction and expected duration of healing;
  - 2. Detailed description of how to care for the body art procedure site;
  - 3. Explanation that body art should be considered permanent; and
  - 4. Possible side effects from the procedure.

**4-404**

In the case of a minor client; the following additional information shall be recorded on the client consent form:

- (a.) The custodial parent's or legal guardian's name and their signed statement attesting to their status as a custodial parent or legal guardian of the minor client;
- (b.) A description or copy of the documentation shown to the body artist to indicate parentage or guardianship such as an original copy of a birth certificate, or original court order of guardianship to demonstrate parentage or guardianship to the body artist;
- (c.) Name, address, current phone number and signature of parent or legal guardian giving consent to the body art procedure for their children under 18 years old. If a client is under 18 years old and provides proof of emancipation, a copy of this record must be kept with their file; and
- (d.) A copy of a state or federal photo I.D. of the person attesting to their status as a custodial parent or legal guardian of the minor client, and their signed written consent to allow a specific body art service to be performed on the minor client.

**Section 5: Facility and Operational Requirements:**

- 5-501** All procedure areas and sterilization areas shall have floors, walls and ceilings constructed of smooth, nonabsorbent, and easily cleanable material. Outer openings shall provide protection against contamination from dust and other contaminants.
- 5-502** Toilet facilities shall be provided and shall be made available to both patrons and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, nonabsorbent, and easily cleanable material.
- 5-503** The premises shall be maintained, clean, and in good repair.
- 5-504** At least fifty (50) foot candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas.
- 5-505** All surfaces, including, but not limited to, counters, tables, equipment, chairs, recliners, shelving, and cabinets in the procedure area and sterilization room, and toilet room(s), shall be made of smooth and nonabsorbent materials to allow for easy cleaning and disinfection. Any equipment failing to meet these standards shall be repaired or replaced immediately.
- 5-506** Hand sinks shall be permanently plumbed and supplied with hot and cold running water delivered through a mixing faucet and under pressure. The minimum allowable hot water temperature at hand sinks is 90 ° F (32 ° C). Hand sinks are required in each sterilization room and procedure area and may be shared by two artists as long as the procedure areas are arranged in a manner to avoid one artist passing through another's procedure area to access the hand sink and shall be located so that one artist does not potentially contaminate another artist's area. Each hand sink shall be provided with soap and disposable towels or a hand-drying device providing heated air. In addition, a hand sink shall be provided in or adjacent to each toilet room.
- 5-507** Distinct, separate areas shall be used for cleaning equipment, wrapping/packaging equipment, and for handling and storage of sterilized equipment.
- 5-508** Instrument cleaning sinks, hand-washing sinks, and where provided, utility sinks shall be separate and shall only be used for their designed purpose.
- 5-509** Water shall be supplied from a source approved by the department.

- 5-510** Sewage, including all liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.
- 5-511** Refuse, excluding infectious wastes, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.
- 5-512** All facilities shall have a waiting area that is separate from the body art procedure area, and from the instrument cleaning, sterilization, and storage areas.
- 5-513** Reusable cloth items shall be mechanically washed with detergent in water at a minimum of 140 ° F (60 ° C), unless an approved disinfectant is applied in the rinse cycle or the dryer uses heat above 140 ° F (60 ° C) as specified by the manufacturer. Clean cloth items shall be stored in a clean, dry environment until used. Soiled laundry shall be stored in a nonabsorbent container until removed for laundering and shall be stored separate from clean cloths.
- 5-514** Animals shall not be allowed in the body art procedure areas, or the instrument cleaning, sterilization, or storage areas. Fish aquariums and/or service animals shall be allowed in waiting rooms and non-procedural areas.
- 5-515** All chemical containers shall be labeled according to contents, properly stored, and used according to label instructions.
- 5-516** All body art establishments shall be completely separated from areas used for human habitation, food preparation, or other such activities that may cause potential contamination of work surfaces.
- 5-517** In establishments where body art and other procedures such as hair and fingernail care are provided, body art procedure areas must be clearly separated from such other procedure areas and maintained clean and sanitized.
- 5-518** In new, extensively remodeled, relocated body art establishments, or those under new ownership, a conveniently located utility sink or curbed cleaning facility with a floor drain, and hot and cold water shall be provided and used for the cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water or similar liquid wastes.
- 5-519** In facilities that conduct branding, adequate ventilation shall provide free and unrestricted circulation of fresh air throughout the body art establishment and the expulsion of foul odors and stagnant air.
- 5-520** Utensil washing and utility sinks with threaded faucets shall be equipped with backflow prevention devices approved by the department.
- 5-521** Sharps and Infectious/Regulated Waste must be handled in a manner consistent with section 25-15-403 and 25-15-404, C.R.S.

- (a.) Discarded sharps shall be disposed of in a sharps container;
- (b.) Infectious/Regulated waste other than sharps shall be placed in impervious, tear resistant, plastic bags, which are red in color and marked with the Universal Biological Hazard Symbol;
- (c.) Sharps and Infectious/Regulated waste shall be disposed of by an approved, off-site treatment facility, or waste may be treated on-site if the treatment complies with all federal, state, and local requirements; and
- (d.) On-site treatment requires a written plan outlining disposal as required in section 7-701(b)4.

**Section 6: Temporary, Special Event, and Mobile Body Art Requirements:**

- 6-601** Body art procedures are prohibited at any temporary event or at any location other than an approved body art establishment.

**Section 7: Infection and Exposure Control Written Procedures:**

**7-701 Written Procedures:**

- (a.) Every body art establishment shall have and comply with written procedures for infection and exposure control. All procedures developed for the written plan shall be in compliance with standards, and all local and state regulations;
- (b.) These written procedures shall include, but are not limited to:
  1. Instrument cleaning and sterilization;
  2. Cleaning and disinfection of the procedure area(s), as required in section 9-902(g);
  3. Universal Precautions procedures; and
  4. An Infectious Waste Management plan, consistent with CRS 25-15-403, including segregation, identification, packaging, storage, transport, treatment, disposal, and contingency planning for blood spills or loss of containment of Infectious/Regulated waste.
- (c.) Written infectious waste management plans are to be made available to the department upon request.

**Section 8: Instruments and Sterilization/Sterilization Area:**

**8-801 Instrument Cleaning:**

- (a.) All non-disposable instruments and jewelry that penetrate body tissue, and all non-disposable tubes, grips, forceps, jewelry tools, etc., that can be sterilized, shall be properly cleaned prior to packaging and sterilization. All other instruments shall be cleaned and disinfected after each use. Cleaning and sterilization procedures are to be performed in an approved sterilization area;
- (b.) All instruments placed in the procedure area shall be repackaged and re-sterilized;
- (c.) Employees shall wear heavy-duty, multi-use, and waterproof gloves while cleaning instruments;
- (d.) Used instruments shall be soaked in a disinfectant until cleaning can be performed. The solution shall be changed in a time as recommended by the solution manufacturer;
- (e.) Instruments shall be disassembled for cleaning;
- (f.) All instrument components shall be cleaned, either manually or in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed;
- (g.) Cleaning tools shall be rinsed clean, treated with a disinfectant, and stored in a manner that minimizes contamination of work surfaces;
- (h.) In rooms where clean instrument handling is taking place, an ultrasonic cleaner shall not be in operation at the time that sterile packages are being handled; and
- (i.) The operation of an ultrasonic cleaner in procedure areas is prohibited.

**8-802 Instrument Packaging and Wrapping:**

- (a.) Employees shall wear clean gloves while packaging/wrapping instruments;
- (b.) Instruments shall be wrapped or packaged with a sterilizer indicator on or in each package; and
- (c.) All packages shall be labeled with the time and date of sterilization. Packages will no longer be considered sterile six months after the date of sterilization.

**8-803****Instrument Sterilization:**

- (a.) The sterilizer shall be designed and labeled as a medical instrument sterilizer;
- (b.) The operators' manual for the sterilizer shall be available on the premises and the sterilizer shall be operated according to manufacturer's recommendations;
- (c.) The sterilizer shall be cleaned and maintained according to manufacturer's specifications;
- (d.) A sterilizer load log shall be maintained for a minimum of three years at the facility and made available for inspection. The log shall contain the following documentation for each load:
  - 1. Description of instruments contained in the load;
  - 2. Date of sterilization load, and time or other unique identifier if more than one load is processed during a single day;
  - 3. Sterilizer cycle time and temperature;
  - 4. Indication of proper sterilization of instruments, as evidenced by the appropriate color indicator change on each package. Indicator used shall be compatible with the sterilization process being used; and
  - 5. Action taken when appropriate color indicator change did not occur.
- (e.) Sterilizer Monitoring:
  - 1. Sterilizer monitoring shall be performed at least monthly (unless more frequent monitoring is specified by the manufacturer) by using a commercial biological monitoring (spore) system;
  - 2. All biological indicators shall be analyzed by a laboratory independent from the establishment; and
  - 3. Biological indicator test results shall be maintained on the premises for a minimum of three (3) years and must be available for inspection at all times.
- (f.) The operation of a sterilizer is prohibited in any area outside of the sterilization area.

**8-804****Instrument Storage:**

- (a.) Hands shall be washed in accordance with 9-902(a) of these regulations and gloved with single use gloves prior to handling sterilized instrument packs; and
- (b.) After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterile instruments.

**8-805****Single Use Items:**

- (a.) Single use items shall be stored in a dry, clean manner; and
- (b.) Single use items shall not be used on more than one client and shall be disposed of after the procedure; and
- (c.) Contaminated single use needles, razors, and other sharps shall be disposed of immediately in approved sharps containers.

**8-806****Instrument Recall:**

- (a.) In the event of a positive biological indicator result or mechanical failure, all items sterilized since the time of the last negative biological monitor result shall immediately be recalled and prohibited from use until the cause of the positive biological indicator test result is identified. Additionally, the sterilizer with the positive biological indicator result shall not be used to sterilize instruments until the cause of positive indicator testing is identified; and
- (b.) Biological monitor testing shall be repeated, and if negative, all recalled items may be used and sterilization may continue. If repeat testing is positive, sterilizer servicing shall be performed. The sterilizer may not be used until sterilizer service is complete and biological indicator testing is negative; and
- (c.) If a mechanical or procedural failure was identified as evidenced by a repeat positive biological indicator test, the facility shall re-sterilize all recalled instruments and assess if any items were used since the time of the last negative indicator test. Department shall immediately be notified of the mechanical failure.

**Section 9: Body Art Procedure:****9-901****Prohibitions Include:**

- (a.) Body art procedures performed anywhere for any reason, except within a body art establishment approved by the Department;
- (b.) Providing body art services at any temporary event or location;
- (c.) Procedures performed on any person who is noticeably impaired by drugs or alcohol;
- (d.) Smoking, eating, and drinking in the procedure and/or instrument cleaning areas;
- (e.) Procedures performed on skin surfaces that have sunburn, rash, pimples, boils, infections, moles, or manifest any evidence of unhealthy conditions; and

- (f.) Body art procedures on a minor without the express consent from the minor's custodial parent or guardian and proof of parentage or guardianship as specified in section 4-404(b).

**9-902**

**The Following Procedures Shall be Practiced by All Body Artists:**

- (a.) Thoroughly wash hands with soap and warm water for at least 20 seconds before and after each body art procedure, and after using the toilet facilities. Following thorough washing, hands shall be dried using clean, disposable paper towels, or a hand-drying device providing heated air;
- (b.) Wear new, clean gloves for each procedure. If a glove is pierced, torn or contaminated, both gloves must be immediately removed and discarded. Hands shall be washed prior to donning a new pair of gloves;
- (c.) Change drapes, lap cloths, or aprons between each client. If multi-use, these items shall be washed according to section 5-513 prior to reuse;
- (d.) Wear new, clean gloves while assembling instruments and supplies to be used in the procedure. All sterilized instruments shall remain in the sterile packages until opened in front of the client;
- (e.) Dispense all substances used in the procedures from containers in a manner to prevent contamination of the unused portion. For example, substances from multi-use containers shall be dispensed into single use portions and shall be applied to only one client;
- (f.) Discard single use ointment tubes, applicators, and supplies after the procedure; and
- (g.) After each client, use a disinfectant according to label instructions, and single use paper towels to wipe all surfaces touched during the procedure. Surfaces include, but are not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets, and supplies.

**9-903**

**Procedures Specific to Tattooing:**

- (a.) The use of hectographic or single use stencils shall be required for applying a tattoo outline to the skin, except that, when the design is drawn free hand, non-toxic single use markers or other non-toxic single use devices shall be used.
- (b.) Before placing the design on the skin, the body artist shall clean the area with soap and, if necessary, shave off any hair with a disposable, single use safety razor. The area shall be treated with an antiseptic prior to stencil application;
- (c.) Inks, dyes, or pigments in single use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure;

- (d.) Excess ink, dye, or pigment applied to the skin during tattooing shall be removed with a clean single use product. Only disposable cups may be used for cleaning ink from the needle;
- (e.) Needles used for tattooing shall be sterile, single use, and manufactured for tattooing purposes. All needles shall be disposed of immediately after use in a sharps container;
- (f.) After the procedure is completed, the area tattooed shall be covered with an appropriate clean bandage and held in place with suitable skin tape. Plastic wrap is not recommended; and
- (g.) Materials used for bandaging shall be stored and handled in a clean manner free from possible contamination.

**9-904                    Procedures Specific to Body Piercing:**

- (a.) The body area to be pierced shall be cleaned with soap and treated with a medical antiseptic prior to beginning the piercing procedure;
- (b.) All body piercing needles shall be sterile, single use, and manufactured for either medical or body piercing purposes. All needles shall be disposed of immediately after use in a sharps container;
- (c.) Only sterilized jewelry or new jewelry that has been disinfected and is clean and in good condition shall be used; and
- (d.) Stud-and-clasp systems shall be used according to manufacturer's instructions and shall only be used on the earlobe or the outer perimeter of the ear.

**Section 10:    Inspections:**

- 10-1001**            Inspections of body art establishments shall be conducted by the Department annually, with the establishment of a new business, when moving to another location, or upon a change in ownership. Establishments which are not in compliance with any applicable regulation are subject to one or more follow-up inspections to be conducted at intervals deemed necessary by the Department.
- 10-1002**            Agents of the Department, after proper identification, shall be permitted to enter any body art establishment during business hours for the purpose of making inspections, investigating complaints, and to determine compliance with these regulations. Agents of the Department shall only enter an occupied procedure area with the client's consent.
- 10-1003**            Agents of the Department, after proper identification, shall be permitted to examine documents or true copies of documents relative to requirements of these regulations.

- 10-1004** Whenever an inspection of a body art establishment is made, the findings shall be recorded and shall describe violations that exist. A copy of the completed report shall be furnished to the person in charge within three (3) workdays following conclusion of the inspection.
- 10-1005** All body art establishments shall display, in a prominent location, readily visible to customers and visitors either the most recent Certificate of Substantial Compliance issued by the Department, or the latest inspection form which resulted in the Health Department not issuing a Certificate of Substantial Compliance.

**Section 11: Review of Plans:**

- 11-1101** Detailed plans and specifications of a proposed new body art establishment, extensive remodeling including the addition of procedure areas and/or sinks within a body art establishment, relocation of an existing body art establishment , and/or prior to a change of ownership shall be submitted to the Fremont County Department of Public Health and Environment for review and approval at least two weeks prior to the start of any construction or extensive remodeling. Approval by the Department of both the plans and the specifications is necessary before construction, extensive remodeling, relocation, or change of ownership occurs. All revisions of approved plans and specifications shall require resubmission for approval.
- 11-1102** Contents of the plans and specifications shall demonstrate that the facility will comply with these rules and regulations. A plan review scale drawing of the establishment shall be provided. The plans shall include the location of all equipment, plumbing fixtures and connections, ventilation systems, sterilization equipment/rooms, and other pertinent information.
- 11-1103** Whenever the submittal of plans and specifications is required, the Department shall conduct a pre-opening inspection of the new, extensively remodeled, relocated body art establishment, or that with a change of ownership prior to the opening of that establishment for operation. The purpose for that inspection shall be to determine compliance with the approved plans and specifications and with the requirements of these regulations. A request for the inspection shall be submitted at least fourteen (14) days in advance of the date of an intended opening.
- 11-1104** When a body art establishment changes ownership, the facility shall be brought into full compliance with these regulations prior to the issuance of the Certificate of Substantial Compliance.

**Section 12: Penalties:**

- 12-1201** Upon a finding that a violation constitutes an imminent threat to the public health, or when an operator has a history of persistent failure to achieve substantial compliance with these rules and regulations, the Department may seek suspension of body art services or closure of the establishment through appropriate legal action filed in a court of competent jurisdiction.
- 12-1202** Whenever a body art establishment operator or body artist is in violation of any of these regulations, the Department shall notify that person of the violation(s) and provide a reasonable period of time to achieve compliance. If after that period, the body art establishment operator or body artist has not corrected the violation(s), the Department may assess a civil penalty not to exceed four hundred dollars (\$400) per violation, against the establishment operator and/or body artist. Each day of a violation shall be considered a separate offense.

**Section 13: Fees:**

- 13-1301** An application fee, as approved by the Board of Health, shall be charged per plan or plan revision. Plan review application fees shall be paid when a completed plan review application is submitted to the Department in accordance with section 11-1101 of these regulations.
- 13-1302** Hourly fees, as approved by the Board of Health, shall be charged for body art establishment plan reviews.
- 13-1303** An annual inspection fee, as approved by the Board of Health, shall be charged for body art establishment inspections.
- 13-1304** The actual costs incurred by the Department for enforcement of these regulations, including reasonable oversight and overhead costs, shall be charged to and payable by the operator of the noncompliant body art establishment.