

BODY ART REGULATION

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Certified Official Copy

By: ROD COSSLET, Director of Environmental Health
Southwest Utah Public Health Department

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REGULATIONS FOR BODY ART FACILITIES

1.0 PURPOSE

It is the purpose of these regulations to require Body Art Facilities to operate in a manner that will protect the public health, safety and welfare, prevent the spread of disease, and prevent the creation of a nuisance within the jurisdiction of the Southwest Utah Public Health Department.

2.0 DEFINITIONS

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

- 2.1 **AFTERCARE** means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment if necessary.
- 2.2 **ANTISEPTIC** means an agent that destroys or inhibits disease-causing microorganisms on human skin or mucosa.
- 2.3 **BIOMEDICAL WASTE** means liquid or semi liquid blood or other potentially infectious materials, contaminated items that would release blood or other potentially infectious materials in a liquid or semi liquid state if compressed, items caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling of contaminated sharps, and pathological microbiological waste containing blood.
- 2.4 **BODY ART** means the practice of physical body adornment by permitted facilities and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, which shall not be performed in a body art facility. Nor does this definition include, for the purposes of this regulation, piercing of the outer perimeter or lobe of the ear with pre-sterilized single use stud-and-clasp ear piercing systems.
- 2.5 **BODY ART FACILITY** means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

- 2.6 BODY PIERCING means puncturing or penetration of the skin of a person with pre-sterilized single use needles and the insertion of the pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a pre-sterilized single use stud-and-clasp ear piercing system shall not be included in this definition.
- 2.7 BRANDING means burning the skin with a heated metal wire, iron, rod or stencil with the intent of producing a permanent scar or mark.
- 2.8 CONTAMINATED WASTE means any liquid or semi liquid blood or other potentially infectious materials, contaminated items that would release blood or other potentially infectious materials in a liquid or semi liquid state if compressed, items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling, sharps and any wastes containing blood and other potentially infectious materials, as defined in OSHA Standards - 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as Occupational Exposure to Bloodborne Pathogens.
- 2.9 COSMETIC TATTOOING means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
- 2.10 DEPARTMENT means the Southwest Utah Public Health Department or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these regulations.
- 2.11 DIRECTOR means the Director of the Southwest Utah Public Health Department or his/her authorized representative.
- 2.12 DISINFECTION means the destruction of disease causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- 2.13 EAR PIERCING means the puncturing of the outer perimeter or lobe of the ear with a pre-sterilized single use stud-and-clasp ear piercing system following manufacturer's instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.
- 2.14 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 facility.

- 2.15 EXPOSURE CONTROL PLAN means a written plan applying to all those who perform tattooing, application of permanent cosmetics, body piercing, branding or scarification within a facility, describing how the applicable requirements of these regulations will be implemented. It is designed to eliminate or minimize employee and client exposure to bloodborne pathogens and other communicable diseases.
- 2.16 HAND SINK means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.
- 2.17 HOT WATER means water that attains and maintains a temperature of at least 100° F.
- 2.18 INSTRUMENTS USED FOR BODY ART means hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during body art procedures.
- 2.19 INVASIVE means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.
- 2.20 JEWELRY means any personal ornament inserted into a newly pierced area which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, platinum or a dense, low-porosity plastic, which is free of nicks, scratches or irregular surfaces and has been properly sterilized prior to use.
- 2.21 LIQUID CHEMICAL GERMICIDE means a disinfectant or sanitizer registered with the U.S. Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500-ppm, 1/4 cup per gallon or two tablespoons per quart of tap water).
- 2.22 OPERATOR means any person who controls, operates, manages, conducts or practices body art activities at a body art facility and who is responsible for compliance with these regulations whether actually performing body art activities or not.
- 2.23 PERMIT means written approval by the Department to operate a body art facility. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the jurisdiction.

- 2.24 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.
- 2.25 PROCEDURE SURFACE means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area which may require sanitizing.
- 2.26 SANITIZATION PROCEDURE means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.
- 2.27 SCARIFICATION means cutting the skin with a sharp instrument with the intent of producing a permanent scar or mark.
- 2.28 SHARPS means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including but not limited to pre-sterilized single use needles, scalpel blades and razor blades.
- 2.29 SHARPS CONTAINER means a puncture resistant leak proof container that can be closed for handling, storage, transportation and disposal and that is labeled with the International Biohazard Symbol.
- 2.30 SINGLE USE means products or items that are intended for one time, one person use and are disposed of after use on each client, including but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.
- 2.31 STERILIZATION means the destruction of all living organisms including spores.
- 2.32 TATTOOING means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
- 2.33 TECHNICIAN means any person who performs body art procedures.
- 2.34 UNIVERSAL PRECAUTIONS means a set of guidelines and controls published by the Centers for Disease Control and Prevention (CDC) as Guidelines for Prevention of Transmission of Human Immunodeficiency Virus

and Hepatitis B Virus to Health-Care and Public-Safety Workers in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol.38, No. S-6, and as Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures, in MMWR, July 12, 1991, Vol.40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include handwashing, gloving, personal protective equipment, injury prevention and proper handling and disposal of needles, other sharp instruments and blood and body fluid contaminated products.

3.0 POWERS AND DUTIES

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

- 3.1 Require the submission of plans and specifications for body art facilities as necessary to implement the provisions of these regulations.
- 3.2 Issue such permits and certificates of registration and charge such fees as necessary to implement the provisions, requirements and standards of these regulations.
- 3.3 Make inspections of body art facilities and issue orders necessary to affect the purpose of these regulations.
- 3.4 Take samples and make analyses or tests of pigments, dyes or inks, instruments, sterilizing devices and equipment or require the testing of the same.
- 3.5 Take necessary measures as permitted by law to ensure the successful enforcement of these regulations.
- 3.6 Check the exposure and control plan and keep a copy with the file.

4.0 SCOPE

- 4.1 It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department unless expressly waived by these rules and regulations.

- 4.2 These regulations do not apply to any facility under the control and direction of a duly licensed medical doctor, nor do they apply to licensed hospitals or similarly licensed institutions.

5.0 PERMIT AND RENEWAL

A. Facility Permit

5A.1 Any person operating a body art facility shall obtain an annual permit from the Department.

5A.2 No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art facility except with a body art facility permit from the Department.

5A.3 A permit for a body art facility shall not be transferable from one place or person to another.

5A.4 A current body art facility permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

5A.5 The holder of a body art facility permit must only hire operators/technicians who have complied with the operator permit requirements of this regulation.

5A.6 A permit issued under this section expires annually and may be renewed upon application to the Department, payment of the established renewal fee and compliance with the requirements of any applicable regulations.

5A.7 The applicant shall pay a fee as set by the Department for each body art facility permit.

5A.8 All other new body art facilities shall obtain a permit prior to beginning operation.

5A.9 Any body art facility that fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety or welfare, may be closed by the Department.

B. Technician Permit

5B.1 No person shall practice body art procedures without first obtaining a technician permit from the Department. The Southwest Utah Public Health

Department Board of Health shall establish a fee for such permits.

5B.2 The technician permit shall be valid from the date of issuance and shall automatically expire in two years from the date of issuance unless revoked sooner by the Department in accordance with Section 17.

5B.3 Application for a technician permit 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/technician
- h. training and experience (diplomas, transcripts, certificates, etc.)
- i. proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department.

5B.4 Applicant shall demonstrate knowledge of the following subjects:

- a. anatomy
- b. skin diseases, disorders and conditions (including diabetes)
- c. infectious disease control, including waste disposal, handwashing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques.

5B.5 No technician permit shall be issued unless, following reasonable investigation by the Department, the body art technician has demonstrated compliance with the provisions of this section and all other provisions of this regulation.

5B.6 All technician permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this regulation.

5B.7 All technician permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

6.0 REQUIREMENTS FOR PREMISES

- 6.1 Body art facilities applying after adoption of this regulation shall submit a scale drawing and floor plan of the proposed facility for a plan review by the Department as part of the permit application process. All persons applying for a Body Art Facility Permit shall pay a plan review fee as established by the Southwest Utah Board of Health.

- 6.2 All walls, floors, ceilings and procedure surfaces of a body art facility shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces including client chairs/benches shall be of such construction as to be easily cleaned and sanitized after each client. All body art facilities shall be completely separated by solid partitions or by walls extending from floor to ceiling from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales or any other such activity that may cause potential contamination of work surfaces.
- 6.3 Effective measures shall be taken by the body art operator to protect against the entrance, breeding or presence of insects, vermin and rodents in the facility.
- 6.4 There shall be a minimum of 45 square feet of floor space for each operator in the facility. Each facility shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall, at a minimum, be separated by dividers, curtains or partitions.
- 6.5 The facility shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
- 6.6 No animals of any kind shall be allowed in a body art facility except service animals used by persons with disabilities (e.g., seeing eye dogs) and fish aquariums in waiting rooms and nonprocedural areas.
- 6.7 A separate, readily accessible hand sink equipped with hot and cold running water under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap and disposable paper towels, is required within the body art facility. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art facility.
- 6.8 At least one covered waste receptacle shall be provided in each operator/technician area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.
- 6.9 All instruments and supplies shall be stored in clean, dry and covered containers.

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

7.0 PUBLIC NOTIFICATION REQUIREMENTS

- 7.1 Verbal and written public educational information approved by the Department shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the Department for the aftercare of the body art procedure site, shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of abnormal infection or swelling and shall contain the name, address and phone number of the facility. These documents shall be signed and dated by both parties with a copy given to the client and the operator retaining the original with all other required records. In addition all facilities shall prominently display a Disclosure Statement provided by the Department which advises the public of the risks and possible consequences of body art services. The facility permit holder shall also post in public view the name, address and phone number of the Department and the procedure for filing a complaint. The Disclosure Statement and the Notice for Filing a Complaint shall be included in the Facility Permit Application Packet.
- 7.2 All abnormal infections and complications or diseases resulting from any body art procedure that becomes known to the operator shall be reported to the Department by the operator within 24 hours.

8.0 CLIENT RECORDS

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

- 8.1 In order for proper healing of your body art procedure we ask that you disclose if you have or have had any of the following conditions:
- a. diabetes
 - b. history of hemophilia (bleeding)
 - c. history of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.
 - d. history of allergies or adverse reactions to pigments, dyes or other

- skin sensitivities
 - e. history of epilepsy, seizures, fainting or narcolepsy
 - f. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting
 - g. pregnancy.
- 8.2 The operator/technician shall ask the client to sign a Release Form confirming that the above information was obtained or that the operator/technician attempted to obtain. The client shall be asked to disclose any other information that would aid the operator/technician in evaluating the client's body art healing process.
- 8.3 Each operator shall keep records of all body art procedures administered including date, identification and location of the body art procedure(s) performed and the operator's name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon request.
- 8.4 Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

9.0 RECORDS RETENTION

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

10.0 PREPARATION AND CARE OF THE BODY ART AREA

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

shall be discarded after a single use.

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

11.0 SANITATION AND STERILIZATION PROCEDURES

- 11.1 All reusable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or by following the manufacturer's instructions to remove blood and tissue residue and shall be placed in an ultrasonic unit also operated in accordance with the manufacturer's instructions.
- 11.2 After being cleaned, all reusable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 11.3). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six months.
- 11.3 All cleaned, reusable instruments used for body art shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned and maintained according to the manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Department. Sterilized equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body art facility uses only single use disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
- 11.4 Each operator/technician performing body art shall demonstrate that the sterilizer used is capable of attaining sterilization by quarterly (once every three months) spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.
- 11.5 All reusable needles used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to use and stored in peel-packs. After

sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

- 11.6 All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
- 11.7 All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to the manufacturer's instructions. The mixing of approved inks, dyes or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single use cups and their contents shall be discarded.

12.0 REQUIREMENTS FOR SINGLE USE ITEMS

- 12.1 Single use items shall not be used on more than one client for any reason. After use all single use needles, razors and other sharps shall be immediately disposed of in approved sharps containers.
- 12.2 All products applied to the skin, including body art stencils, may be single use and disposable. If the Department approves, acetate stencils may be allowed for reuse if sanitization procedures (see definition in 2.25) are performed between uses. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

13.0 BODY ART OPERATOR/TECHNICIAN REQUIREMENTS AND PROFESSIONAL STANDARDS

- 13.1 The following information shall be kept on file on the premises of a body art facility and available for inspection by the Department:
 - a. employee information
 - 1. full names and exact duties
 - 2. date of birth

3. sex
 4. home address
 5. home/work phone numbers
 6. identification photos of all body art operators/technicians
 - b. facility information
 1. facility name
 2. hours of operation
 3. name and address of owner(s)
 - c. a complete description of all body art procedures performed
 - d. an inventory of all instruments and body jewelry, all sharps and all inks used for any and all body art procedures including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement
 - e. a copy of these regulations.
- 13.2 It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art facility with a current permit.
- 13.3 The body art operator/technician must be a minimum of 18 years of age.
- 13.4 Smoking, eating or drinking is prohibited in the area where body art is performed.
- 13.5 Operators/technicians shall not be under the influence of alcohol or drugs. Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician, is under the influence of alcohol or drugs.
- 13.6 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator/technician must thoroughly wash his/her hands in hot running water with liquid soap then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- 13.7 In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they come into contact with any contaminated surfaces, objects or by a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
- 13.8 If, while performing a body art procedure, the operator's/technician's glove is

pierced, torn or otherwise contaminated, the procedure delineated in Section 13.7 shall be repeated immediately. 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.

- 13.9 Contaminated waste, as defined in this regulation, that may release liquid or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in an approved red bag marked with the International Biohazard Symbol. Sharps ready for disposal shall be deposited in an approved sharps container. Contaminated waste that does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal approved disposal methods. Storage of contaminated waste on site shall not exceed 30 days as specified in OSHA Standards - 29 CFR Part 1910.1030.
- 13.10 No person shall perform any body art procedure upon a person under the age of 18 years without the presence, consent, and proper identification of a parent, legal custodial parent or legal guardian. Nothing in this section is intended to require an operator to perform any body art procedure on a person less than 18 years of age with parental or guardian consent.
- 13.11 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
- 13.12 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping, dermatological lesions or acute respiratory infection shall work in any area of a body art facility in any capacity in which there is a likelihood that this person could contaminate the body art equipment, supplies or working surfaces with body substances or pathogenic organisms.
- 13.13 Proof shall be provided in writing upon request of the Department that all operators/technicians have completed the hepatitis B vaccination series. This shall be included as a pre-employment requirement.

14.0 EXEMPTIONS

- 14.1 Physicians licensed by the State of Utah, who perform either independent of or in connection with body art procedures as part of patient treatment, are exempt from these regulations.

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

15.0 PROHIBITIONS

- 15.1 It is prohibited to perform body art on any body part of a person under the age of 18 without the written consent and presence of the parent or legal guardian of such minor. This consent is to be given in person to the body artist or responsible person at the facility by the parent or legal guardian at the time the tattooing or piercing is to commence. A copy of a photographic identification of the parent or legal guardian is required and shall be kept on file.
- 15.2 It is prohibited to perform body art on a person who, in the opinion of the operator, appears to be under the influence of alcohol or drugs.
- 15.3 It is prohibited to own, operate or solicit business as a body art facility or operator without first obtaining all necessary permits and approvals from the Department, unless specifically exempted by this regulation.
- 15.4 It is prohibited to obtain or attempt to obtain any body art facility or operator/technician permit by means of fraud, misrepresentation or concealment.

16.0 ENFORCEMENT

- 16.1 Facilities operating at the time of the enactment of this regulation shall be given 90 days to make application to the Department and comply with these regulations. Facilities that continue to operate without proper permits from the Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.
- 16.2 A representative of the Department shall properly identify him or herself before entering a body art facility to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this regulation.

- 16.3 It is unlawful for any person to interfere with the Department in the performance of its duties.
- 16.4 A copy of the inspection report must be furnished to the permit holder or operator of the body art facility, with the Department retaining possession of the original.
- 16.5 If, after investigation, the Department should find that a body art facility is in violation of this regulation, the Department may advise the operator, in writing, of its finding and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed 30 days.
- 16.6 If the Department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator/technician, by use of unapproved or malfunctioning equipment or by unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the operator, the Department may do any or all of the following:
 - a. Issue an order excluding any or all operators/technicians from the permitted body art facility who are responsible or reasonably appear responsible for the transmission of a communicable disease until the Department determines there is no further risk to public health.
 - b. Issue an order to immediately suspend the permit of the licensed facility until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

17.0 SUSPENSION OR REVOCATION OF PERMITS

- 17.1 The Department may temporarily suspend an operator's permit for failure to comply with the requirements of this regulation.
- 17.2 Whenever a body art facility has failed to comply with any notice issued under the provision of this regulation, the operator must be notified in writing that the permit is immediately suspended. The notice must also contain a statement informing the operator that an opportunity for a hearing will be provided if a written request for a hearing before the Director is filed with the Department within ten calendar days.
- 17.3 Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten calendar days of receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension have been corrected and submission of the appropriate reinspection fees, the Department shall reinspect the body art facility or evaluate documentation

provided by an operator. If the applicant is in compliance with the provisions of this regulation, the permit will be reinstated.

- 17.4 For repeated or serious (any regulation infraction that threatens the health of the client or operator) violations of any of the requirements of this regulation or for interference with Department personnel in the performance of their duties, a permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the operator in writing, stating the reasons for which the permit is subject to revocation and advising the operator of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing relative thereto.
- 17.5 The Department may permanently revoke a permit after five days following service of the notice unless a request for a hearing before the Director is filed within the five day period with the Department by the operator.
- 17.6 The hearing shall take place within ten calendar days after the request. A written notice of the Director's final determination shall be given within ten calendar days after adjournment of the hearing. The Director may sustain, modify or reverse the action or order.

18.0 PENALTY

- 18.1 Any person who is found guilty of violating any of the provisions of these regulations, either by failing to comply with those acts required herein or by performing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated. A person found guilty of a subsequent similar violation within two years is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated.
- 18.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 18.3 The city attorney, or as appropriate, the county attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these regulations.
- 18.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these regulations shall be liable for all expenses incurred by the Department related to removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation.

19.0 DEPARTMENT PERSONNEL COMPETENCY REQUIREMENT

Department personnel performing environmental health/sanitary evaluations or compliance investigations of body art facilities shall meet the same requirements as specified for operators/technicians in Section 13.6 of this regulation prior to assuming responsibilities for this program.

20.0 INTERPRETATION AND SEVERABILITY

- 20.1 In the interpretation of this regulation, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where the context so dictates.
- 20.2 In the event any particular clause or sentence of this regulation should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

IN WITNESS WHEREOF, the Southwest Utah Board of Health has passed, approved and adopted this regulation this _____ day of _____, _____.

ATTEST:

SOUTHWEST UTAH BOARD OF
HEALTH

Health Officer

Chairperson