

## **1. Purpose.**

This regulation establishes minimum standards for the sanitation, operation, and maintenance of a body art facility as defined by this regulation. This regulation provides for the prevention and control of hazards associated with the body art industries that are likely to adversely affect public health and wellness including risk factors contributing to injury, sickness, death, disability, and the spread of disease in Beaver, Garfield, Iron, Kane and Washington counties.

## **2. Applicability.**

2.1. This regulation applies to:

2.1.1. a body art facility; and

2.1.2. a body art school, or body art training program.

2.2. This regulation does not apply to physicians, surgeons, nurses, other medical persons, or morticians, if duly licensed to practice their respective professions in Utah, and if engaged in the personal performance of the duties of their respective profession.

## **3. Definitions.**

As used in this regulation:

3.1. "Aftercare instruction" means verbal and written instructions given to the client, specific to the body art procedure rendered, regarding the proper care of impacted human tissue.

3.2. "Antiseptic" means a product that is a skin disinfectant and is labeled as useful in preventing diseases caused by microorganisms present on the skin or on mucosal surfaces of humans and is intended for use in the mitigation, treatment, or prevention of disease. This includes products meant to kill germs, or products labeled as "antiseptic," "antimicrobial," "antibacterial," "microbicide," or "germicide."

3.3. "Aseptic technique" means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

3.4. "Autoclave" means a device intended to sterilize products by means of steam and heat at high pressure that is identified as either type B, N, or S in accordance with standard ISO 17665.

- 3.5. "Automated instrument washer" means a machine that cleans and decontaminates dirty instruments so they can be handled safely, repackaged, and sterilized for a future body art procedure.
- 3.6. "Bloodborne pathogen" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
- 3.7. "Body art"
  - 3.7.1. "Body art" means the practice of physical body adornment including body piercing, tattooing, permanent cosmetics, and microblading.
  - 3.7.2. "Body art" does not include ear piercing, as provided in Subsection 3.20, or any form of extreme body modification, as provided in Subsection 3.22.
- 3.8. "Body artist" means any person performing body art services.
- 3.9. "Body art facility" means any place or premise, whether public or private, permanent in nature or location, where the practice of body art is performed, regardless of whether or not money is exchanged for services.
- 3.10. "Body piercing", except ear piercing as provided in Subsection 3.20, means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.
- 3.11. "Chemical disinfectant" or "disinfectant" means a solution of EPA-registered bactericidal, fungicidal, and virucidal disinfectant, as indicated on the label, used according to manufacturer's directions to reduce or eliminate the presence of disease-causing microorganisms for use in decontaminating work surfaces but does not necessarily eliminate all microbial forms.
- 3.12. "Clean" means the condition of an object being visibly free from dirt, soil, stain, or other materials not intended to be a part of the object.
- 3.13. "Client" means an individual upon whom a body artist performs a body art procedure, or who enters a body art facility with the intent to receive services.
- 3.14. "Contamination" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- 3.15. "Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne 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.

- 3.16. “Department” means the Southwest Utah Public Health Department or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce this regulation.
- 3.17. “Director” means the Director, or Health Officer, of the Southwest Utah Public Health Department or their authorized representative.
- 3.18. "Disinfection" means the use of chemical disinfectant or physical means, where sterilization techniques are not feasible, to destroy pathogens on implements and other nonliving surfaces or to reduce pathogenic organisms to a level at which it will be difficult to reproduce quickly, which thereby renders an item safe for handling, use, and disposal.
- 3.19. "Dwelling" means a building or structure that is intended or designed to be used, rented, leased, let or hired out for human habitation.
- 3.20. "Ear piercing" means the puncturing of the lobe of the ear with ear-piercing equipment, known in the industry as a “piercing gun,” according to the manufacturer’s direction to insert stud-and-clasp jewelry.
- 3.21. "Equipment" means machinery, containers, vessels, tools, devices, implements, storage areas, and sinks which are used in conjunction with the storage or application of body art by a body artist to a client, or used within the sterilization, decontamination, or disinfection processes.
- 3.22. “Extreme body modification” means any method, other than tattoo, permanent makeup, or body piercing methods used to alter the appearance, sensation, or function of the human body for decorative or cultural purposes. Some examples include, but are not limited to, scarification (branding, cutting, skin peeling), implantation, suspension piercing, single point piercing, biopsy punch, voluntary amputation, tongue and penis splitting, and neck rings. Techniques of extreme body modification may be considered medical or surgical procedures and are prohibited acts in Department permitted body art facilities.
- 3.23. "Gloves" means medical grade or exam grade, non-powdered, disposable, single-use full-hand covering gloves worn for protection against disease transmission.
- 3.24. "Guardian" means a person who has qualified as a guardian of a minor pursuant to testamentary or court appointment and according to Utah Administrative Code 75-5-202, or by written instrument as provided in Utah Administrative Code 75-5-202.5, but does not include a guardian ad litem.
- 3.25. “Handwashing 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.

- 3.26. "Hot water" means water heated to a temperature of not less than 100 degrees Fahrenheit at the outlet.
- 3.27. "Imminent Health Hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause infection, disease transmission, pest infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death.
- 3.28. "Integrator" means a strip or device used in an autoclave chamber that proves sterilization was met. An integrator changes color when it has been exposed to a combination of steam, pressure, heat, and time.
- 3.29. "Jewelry" means any object that is worn in a body piercing.
- 3.30. "Microblading" means a procedure in which permanent or semipermanent pigment is implanted into the skin of the eyebrow area in fine, short strokes resembling hair, using a hand tool with a blade formed of tiny needles.
- 3.31. "Minor" has the same meaning as provided in Utah Administrative Code 76-10-2201.
- 3.32. "Mucosal surface" means the moisture-secreting membrane lining of body cavities or passages that communicates with the exterior, including the nose, mouth, vulva, and urethra.
- 3.33. "Operator" means any person who controls, operates, owns, and manages a body art facility.
- 3.34. "Permanent cosmetics"
  - 3.34.1. "Permanent cosmetics" means a tattoo, whether permanent, or semi-permanent, performed by someone other than a licensed physician, to the eyebrows, eyelids, lips and other parts of the body for beauty marks, hair imitation, lash enhancement or areola repigmentation. This includes any procedures referred to as, "permanent makeup," "micropigmentation," "micropigment implantation," "microblading," "dermagraphics," or "cosmetic tattooing" and has the same meaning as "tattoo."
  - 3.34.2. "Permanent cosmetics" do not include cosmetic medical procedures as defined in Utah Administrative Code 58-67-102(9), or other practices that

are or may be considered medical procedures by the Physicians Licensing Board.

- 3.35. "Person" means an individual, any form of business or social organization or any other non-governmental legal entity, including corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.
- 3.36. "Piercing" means puncturing or penetration of the skin or a mucosa of a person and the insertion of jewelry or other adornment in the opening.
- 3.37. "Plumbing Code" means International Plumbing Code as incorporated and amended in Utah Title 15A, State Construction and Fire Codes Act.
- 3.38. "Plumbing fixture" means a receptacle or device that is connected to the water supply system of the premises; or discharges wastewater, liquid-borne waste materials, or sewage to the drainage system of the premises.
- 3.39. "Potentially infectious material" means:
  - 3.39.1. the following human body fluids: blood, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, a body fluid that is visibly contaminated with blood, and body fluids in situations where it is difficult or impossible to differentiate between body fluids;
  - 3.39.2. any unfixed tissue or organ, other than intact skin, from a human, whether living or dead; and
  - 3.39.3. HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions.
- 3.40. "Premises" means any lot, parcel, or plot of land, including any buildings or structure.
- 3.41. "Procedure" means the act of performing body art.
- 3.42. "Procedure area" means a room, or portion of a room, or any surface of an inanimate object that is designated only to be used to perform body art procedures or esthetician work incorporating permanent cosmetics.
- 3.43. "Procedure site" means the area or location on the human body selected for the placement of body art.
- 3.44. "Processing area" means a room or area in a body art facility used only for cleaning, decontamination, sterilization, and related tasks.

- 3.45. "Regulated 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 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 as defined in 29 CFR 1910.1030(b).
- 3.46. "Sanitary" means the condition of being free from infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances and being completely free from vermin, vectors, and pests and from the traces of either, and free of harborage for vermin, vectors, or pests.
- 3.47. "Service Animal" has the same meaning as provided in Section 35.104 of the Americans with Disabilities Act Title II Regulations.
- 3.48. "Sharps" means any objects that may purposely or accidentally cut or penetrate the skin or mucosa, including body piercing needles, scalpel blades, tattoo needles, permanent cosmetic needles, and razor blades.
- 3.49. "Sharps container" means a closable, puncture-resistant container that is:
- 3.49.1. leak-proof on the sides and bottom;
  - 3.49.2. manufactured in compliance with NIOSH standards;
  - 3.49.3. closable for handling, storage, transportation, and disposal; and
  - 3.49.4. labeled with the international biohazard symbol.
- 3.50. "Single-use" means products or items that are intended for one-time, one-person use and are disposed of after a single use, including cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, microblades, stencils, ink cups, or gloves.
- 3.51. "Sterilization" means a validated process by the use of physical or chemical agents to render an object or instrument free from living microorganisms.
- 3.52. "Tattooing" means any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other instruments used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes any form of permanent cosmetics, as defined in this regulation.

- 3.52.1. Tattooing does not include medical procedures as defined in Utah Administrative Code 58-67-102(9), or other practices that are or may be considered medical procedures by the Physicians Licensing Board.
- 3.53. "Temporary body art facility" means any body art facility operating at a fixed location where a body artist performs body art procedures in conjunction with a single event or celebration.
- 3.54. "Ultrasonic cleaner" means a device that removes debris by a process called cavitation, in which waves of acoustic energy are propagated in aqueous solutions to disrupt the bonds that hold particulate matter to surfaces.
- 3.55. "Vermin" means rats, mice, cockroaches, bedbugs, flies, or any other pest or vector as determined by the Department to be harmful to the life, health, or welfare of the public.
- 3.56. "Wastewater" means sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing pollution of waters of the state.
- 3.57. "Workstation" means the area within a procedure area where a body artist performs body art. The workstation includes the client chair or table, counter, mayo stand, instrument tray, storage drawer, and body artist's chair.

#### **4. General Requirements.**

- 4.1. Body art procedures shall be performed only in a permitted body art facility.
- 4.2. The operator shall:
  - 4.2.1. select or construct a location for the body art facility that will provide adequate surface drainage, and make a reasonable effort to locate the facility away from any existing or potential imminent health hazard;
  - 4.2.2. be responsible for the conduct of body artists and other persons working at the body art facility to ensure compliance with this regulation; and
  - 4.2.3. not knowingly do any of the following:
    - 4.2.3.1. conceal, withhold, or falsify records or evidence;
    - 4.2.3.2. interfere with the performance of the duties of the Department; or
    - 4.2.3.3. make a false statement, representation, certification, record, report, or otherwise falsify information required to be maintained or retained pursuant to this regulation.

- 4.3. A body art facility shall have:
  - 4.3.1. an American National Standards Institute (ANSI) Class A or B compliant, properly stocked, first aid kit in a readily accessible location; and
  - 4.3.2. an adequate supply of chemical disinfectant for use as required in Section 9.1.
- 4.4. No animal, including a pet, emotional support animal, comfort animal, or therapy animal, is permitted in a body art facility except as follows:
  - 4.4.1. a service animal assisting a person with a disability is permitted in a body art facility; and
  - 4.4.2. the Department may allow a fish aquarium in a waiting room or other room not used for body art procedures.
- 4.5. The operator, or body artist, may refuse service to any person, and nothing in this regulation shall be construed to require the operator, or body artist, to perform a body art procedure upon a person.
- 4.6. This regulation does not require a construction change in any portion of a body art facility if the facility was operating in compliance with applicable laws and ordinances in effect prior to enactment of this regulation, except that the Department may require construction changes if it is determined the body art facility or portion thereof is creating an imminent health hazard.

## **5. Water Supply System.**

The operator shall ensure that:

- 5.1. potable water supply systems for use in a body art facility are designed, installed, and operated according to the requirements set forth by:
  - 5.1.1. the Plumbing Code; and
  - 5.1.2. the Utah Department of Environmental Quality under Title R309, Drinking Water;
- 5.2. the body art facility and each toilet room is provided with potable water; and
- 5.3. no body art procedure is performed for the duration of a potable water service disruption if a body art facility experiences or will experience a disruption of service for more than ten minutes.



**6. Wastewater Disposal System.**

The operator shall ensure that:

- 6.1. sewer services are made available to the body art facility;
- 6.2. the sewer system at a body art facility is designed, installed, and operated according to the requirements set forth by:
  - 6.2.1. the Plumbing Code;
  - 6.2.2. the Utah Department of Environmental Quality under Title R317, Water Quality;
  - 6.2.3. municipal regulations; and
  - 6.2.4. the local sewer district that has jurisdiction;
- 6.3. wastewater from a body art facility is discharged to a public sanitary sewer system whenever practicable; or
  - 6.3.1. where connection to a public sanitary sewer is not practicable at a body art facility, wastewater is discharged to an approved onsite wastewater disposal system; and
  - 6.3.2. the required plans for the construction or alteration of an onsite wastewater disposal system are submitted in accordance with Title R317, Water Quality.

**7. Construction and Maintenance Requirements for a Body Art Facility.**

- 7.1. Except when an operator ensures that each body artist uses only pre-sterilized disposable body art instruments, pre-sterilized single-use body art materials, and pre-sterilized single-use supplies, the operator shall ensure that the body art facility is equipped with the following items:
  - 7.1.1. a sink dedicated for cleaning contaminated body art instruments according to the procedure described in Subsection 9.1.5;
  - 7.1.2. an ultrasonic cleaner or an automated instrument washer intended for the cleaning of reusable body art instruments;
  - 7.1.3. an autoclave for sterilization as described in Section 9; and
  - 7.1.4. a processing area in compliance with Subsection 7.2.4.
- 7.2. The operator shall ensure that:

- 7.2.1. the sink described in Subsection 7.1.1:
  - 7.2.1.1. is not used for hand washing;
  - 7.2.1.2. is not located in a procedure area or a toilet room; and
  - 7.2.1.3. is separated from the ultrasonic cleaner and autoclave by a permanent physical barrier to prevent recontamination of sterilized body art instruments;
- 7.2.2. the ultrasonic cleaner described in Subsection 7.1.2. has a solid tight-fitting lid that is left on the ultrasonic cleaner for at least five minutes after any cycle unless directed otherwise by the manufacturer;
- 7.2.3. the autoclave described in Subsection 7.1.3:
  - 7.2.3.1. is large enough to sterilize the largest body art instrument requiring sterilization;
  - 7.2.3.2. is appropriate for use in a body art facility to sterilize body art instruments or jewelry; and
  - 7.2.3.3. is located away from any body art procedure area, or any areas frequented by the public except that an autoclave used only to process clean jewelry immediately before the procedure may be located in the body art procedure area;
- 7.2.4. the processing area described in Subsection 7.1.4. is:
  - 7.2.4.1. inaccessible to the public; and
  - 7.2.4.2. used only for cleaning, decontamination, and sterilization of body art instruments and equipment, and other closely related tasks;
- 7.2.5. any interior wall, floor, and surface of a procedure area is smooth, free of open holes or cracks, washable, and in good repair;
- 7.2.6. any procedure surface, table, counter, equipment, chair, and any other surfaces in the body art facility are constructed of smooth, easily cleanable, non-porous materials;
- 7.2.7. each plumbing fixture in the body art facility:
  - 7.2.7.1. complies with the provisions of the Plumbing Code, including backflow prevention requirements;

- 7.2.7.2. is free from cracks and similar disrepair which may prevent proper cleaning; and
- 7.2.7.3. can be used simultaneously without expending all of the available hot water;
- 7.2.8. each body art procedure area:
  - 7.2.8.1. is separated from waiting clients; and
  - 7.2.8.2. has a regulated waste container that is:
    - 7.2.8.2.1. constructed of heavy-grade plastic or metal;
    - 7.2.8.2.2. covered; and
    - 7.2.8.2.3. operated with a foot-pedal or sensor;
- 7.2.9. each body art facility has at least one procedure area that may be screened from public view for clients requesting privacy;
- 7.2.10. body art instruments and supplies are stored in clean, dry, and covered containers, and not stored or located in a toilet room or garbage room, or under sewer lines that are not shielded to intercept potential drips;
- 7.2.11. equipment is operated and maintained according to the manufacturer's instructions;
- 7.2.12. the Department is provided with a copy of the manufacturer's recommended procedures for equipment operation and maintenance as requested;
- 7.2.13. during the body art facility's hours of operation, a body artist has access to a sufficient supply of:
  - 7.2.13.1. clean equipment;
  - 7.2.13.2. sterile body art instruments;
  - 7.2.13.3. chemical disinfectant; and
  - 7.2.13.4. any cleaning supplies necessary to maintain a sanitary work environment;
- 7.2.14. a body art facility has a toilet room that is accessible to body artists and clients, and is equipped with:

- 7.2.14.1. a toilet;
- 7.2.14.2. a handwashing sink:
  - 7.2.14.2.1. with running hot water and cold water under pressure;
  - 7.2.14.2.2. located in or immediately adjacent to the toilet room; and
  - 7.2.14.2.3. used solely for hand washing;
- 7.2.14.3. soap and toilet tissue in suitable dispensers;
- 7.2.14.4. individual disposable towels or other approved hand drying facilities; and
- 7.2.14.5. a solid, durable, and easily cleanable waste receptacle with lid;
- 7.2.15. a body art facility has a handwashing sink in addition to the handwashing sink required in Subsection 7.2.14 that is accessible to body artists and clients;
- 7.2.16. effective measures are in place to:
  - 7.2.16.1. keep vermin out of the body art facility;
  - 7.2.16.2. prevent the presence of vermin on the premises; and
  - 7.2.16.3. ensure that exterior openings, windows, skylights, and outer doors are protected against the entrance of flies and other flying insects by self-closing doors, closed windows, 16-mesh or finer screening, controlled air currents, or other means approved by the Department;
- 7.2.17. the body art facility is:
  - 7.2.17.1. well ventilated;
  - 7.2.17.2. provided with a light source that, when measured three feet off the floor, is equivalent to:
    - 7.2.17.2.1. at least 20-foot candles in areas of general use;
    - 7.2.17.2.2. at least 100-foot candles over the body art procedure site; and
    - 7.2.17.2.3. at least 100-foot candles in the processing area;

- 7.2.17.3. completely separated from:
  - 7.2.17.3.1. any room used for human habitation;
  - 7.2.17.3.2. any food facility or room where food is prepared;
  - 7.2.17.3.3. any area where nail technology and/or hair cutting services are offered; and
  - 7.2.17.3.4. any other such location that may cause potential contamination of procedure area surfaces.

**8. Specific Health and Sanitation Requirements for a Body Art Facility Located in a Dwelling.**

- 8.1. The operator of a body art facility located in a dwelling shall comply with the requirements of this regulation in addition to the requirements of this section:
  - 8.1.1. the operator must own and occupy the dwelling.
- 8.2. The operator of a body art facility located in a dwelling shall ensure that:
  - 8.2.1. any body art procedure:
    - 8.2.1.1. is performed in a procedure area that is permanently dedicated to the business and physically separated from the rest of the dwelling; and
    - 8.2.1.2. is not performed in a kitchen or bathroom;
  - 8.2.2. the procedure area is inaccessible to pets and children; and
  - 8.2.3. the dwelling has at least one dedicated and easily-accessible toilet room, as described in Subsection 7.2.14 for the exclusive use of the body art facility.

**9. Disinfection and Sterilization Requirements.**

- 9.1. The operator, or body artist, shall ensure that:
  - 9.1.1. floors, walls, ceilings, tables, counters, shelves, furniture, furnishings, and plumbing fixtures are kept clean and in good repair;
  - 9.1.2. tables, counters, chairs, and other work surfaces are cleaned and disinfected after each use regardless of whether contamination is visible;

- 9.1.3. disinfection is carried out using a chemical disinfectant in accordance with the manufacturer's directions;
- 9.1.4. reusable body art instruments are transported from the procedure area to the processing area in a container with a secured lid;
- 9.1.5. except as specified in Subsection 10.1.14, reusable body art instruments are processed after each use in the processing area according to the following sequential order:
  - 9.1.5.1. soak in an enzymatic or other appropriate solution;
  - 9.1.5.2. scrub to remove visible debris;
  - 9.1.5.3. rinse and inspect for visible debris;
  - 9.1.5.4. process through an ultrasonic cycle or automated instrument washer;
  - 9.1.5.5. rinse;
  - 9.1.5.6. air dry; and
  - 9.1.5.7. inspect for any remaining residue or debris;
- 9.1.6. except as specified in Subsection 9.1.12, reusable body art instruments are packed individually in peel-packs and subsequently sterilized after being cleaned as specified in Subsection 9.1.5;
- 9.1.7. peel-packs contain either an internal temperature sterilization indicator or Class 5 steam sterilization integrator;
- 9.1.8. peel packs are dated with the date of sterilization;
- 9.1.9. reusable body art instruments remain stored in sterile packages or other containers designed for sterilizing instruments until just prior to the performance of a body art procedure;
- 9.1.10. packages, sterile equipment, and body art materials are repackaged and sterilized again or discarded if:
  - 9.1.10.1. the package has been breached; or
  - 9.1.10.2. it has been more than six months since the original package sterilization date;

- 9.1.11. when utilizing on-demand sterilization in which an instrument or material is placed into an autoclave to be sterilized immediately prior to the body art procedure, the sterilization cassette contains an internal temperature sterilization indicator or steam sterilization integrator;
- 9.1.12. any reusable item or instrument that may have been exposed to bloodborne pathogen contamination during a body art procedure is sterilized prior to use;
- 9.1.13. any item or instrument used for body art that is contaminated during the procedure is immediately replaced with a sterilized instrument or item before the procedure resumes; and
- 9.1.14. at the conclusion of each client service, multi-use implements, such as a tattoo machine, and other tools which cannot be sterilized in an autoclave or immersed in liquid without being damaged are cleaned and disinfected in the following sequential manner:
  - 9.1.14.1. remove all visible debris;
  - 9.1.14.2. disinfect with a chemical disinfectant spray or wipe according to the manufacturer's directions; and
  - 9.1.14.3. store covered in a clean, dry location.
- 9.2. Single-use, disposable items may be packed in peel-packs with a clean, reusable instrument before being sterilized provided they are arranged in a manner that will allow each item to be properly sterilized.
- 9.3. The operator, or body artist, shall conduct spore testing, according to the manufacturer's directions, or at least monthly to ensure that the sterilization equipment is capable of attaining sterilization. These tests shall be verified through an independent laboratory.

## **10. Body Artist Requirements and Professional Standards.**

- 10.1. Before performing any body art procedure, a body artist shall meet the requirements of section 17 in this regulation.
- 10.2. Except as allowed in Subsections 10.2.1 and 10.2.2, no person shall smoke, vape, eat, or drink within the workstation, procedure area, processing area, or any other location where instruments or supplies may be stored, cleaned, or sterilized.
  - 10.2.1. A body artist doing a procedure and the client may drink from a closed beverage container if the container is handled to prevent contamination of

the body artist's hands, the beverage container, the procedure area, and equipment.

- 10.2.2. The body artist may allow a client to eat when symptoms of low blood sugar or shock are observed or likely to occur.

10.3. A body artist shall:

- 10.3.1. maintain hair, skin, nails, and clothes free of visible particulate matter and debris;
- 10.3.2. employ good personal hygiene habits while providing body art services; and
- 10.3.3. utilize clean and sterile equipment, tools, implements, and supplies in accordance with this regulation.

10.4. Before and after performing a body art procedure or anytime gloves are changed, body artists shall wash their hands at a designated handwashing sink in the following sequential order:

- 10.4.1. remove rings, watches, and bracelets from hands and wrists. Jewelry shall not be worn again until the body art procedure has been completed;
- 10.4.2. turn on warm water, wet hands, and apply soap;
- 10.4.3. rub hands together for a minimum of 20 seconds, making a soapy lather;
- 10.4.4. include all fingers, between fingers, thumbs, nails, cuticles, wrists, palms, and the top of hands;
- 10.4.5. rinse soap from hands;
- 10.4.6. pat hands dry with a clean disposable towel;
- 10.4.7. use a new, clean, disposable towel to turn off the handles of the sink; and
- 10.4.8. if necessary, use a new, clean, disposable towel to open any doors between the hand washing area and the procedure area.

10.5. At a minimum, a body artist shall wear a new pair of single-use gloves:

- 10.5.1. during set-up and cleaning;
- 10.5.2. during disinfection and sterilization procedures;
- 10.5.3. when processing contaminated instruments;



- 10.5.4. when transporting contaminated instruments to the processing area;
  - 10.5.5. when transporting sterilized instruments from the autoclave to designated storage space;
  - 10.5.6. during post-procedure take down; and
  - 10.5.7. during any contact with a client at the workstation or procedure area.
- 10.6. Glove use:
- 10.6.1. In performing body art procedures, the body artist shall wear gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated.
  - 10.6.2. Gloves shall be discarded and changed, at a minimum:
    - 10.6.2.1. during workstation setup;
    - 10.6.2.2. before initial skin preparation and marking;
    - 10.6.2.3. before the body art procedure;
    - 10.6.2.4. after the completion of a body art procedure, before post-procedure cleanup;
    - 10.6.2.5. when gloves are torn, punctured, or contaminated by contact with unclean surfaces or objects, or by contact with a third person; and
    - 10.6.2.6. Any time the body artist washes their hands.
  - 10.6.3. If, while performing a body art procedure, a glove is pierced, torn, or otherwise compromised, the compromised gloves shall be immediately discarded, and hands shall be washed as directed in Subsection 10.4.
  - 10.6.4. Under no circumstance shall a single pair of gloves be used on more than one client.
  - 10.6.5. Used gloves may not be rinsed, washed, disinfected, or sterilized for reuse.
  - 10.6.6. A body artist shall use gloves when handling sterile equipment.
- 10.7. Skin preparation:
- 10.7.1. Before a body art procedure is performed, the body artist shall prepare the immediate skin area and the areas of skin surrounding the procedure site

by applying an antiseptic solution in accordance with the manufacturer's directions.

- 10.7.2. If shaving is necessary, the body artist shall shave the procedure site with a single-use disposable razor before skin preparation, as described in Subsection 10.7.1. The body artist shall discard used razors into the sharps container immediately after use on each client.

10.8. Anesthetics:

- 10.8.1. A local anesthetic shall only be in the form of an over-the-counter local or topical anesthetic or spray, and may not be administered by injection.

- 10.8.2. Local anesthetics shall be used in accordance with manufacturer instructions.

- 10.9. A body artist shall perform a body art procedure only on a client who is free of suspected rash or suspected visible infection of skin or the mucosa surface of an intended procedure site.

10.10. Health of the Body Artist:

- 10.10.1. A body artist shall be free of any communicable infection or any other visible disease condition that may be transmitted to the client as a result of carrying out the body art procedure. The Director may require medical testing or examinations if a contagious or communicable disease is suspected.

- 10.10.2. A body artist with open wounds, cuts, sores, or burns on the hand, or any portion of the body that under normal procedures may come into contact with a client's skin, may not perform a body art procedure.

10.11. The operator, or body artist, shall ensure that:

- 10.11.1. any reusable item or instrument used for body art that becomes contaminated during a body art procedure is immediately removed from the area and replaced before the procedure resumes;

- 10.11.2. single-use items are used only on one client and are discarded, immediately after use, into the waste container required in Subsection 7.2.8.2;

- 10.11.3. single-use needles, razors, microblades, and other sharps are discarded in a sharps container immediately after use; and

- 10.11.4. in the event of bleeding, any product used to check the flow of blood or to absorb blood is single-use and is disposed of immediately after use in the waste container required in Subsection 7.2.8.2.
- 10.12. Upon completion of a body art procedure, the operator or body artist shall provide each client with aftercare instructions, containing the name, address, and phone number of the body art facility and the Department.
  - 10.12.1. Aftercare instructions shall advise the client to consult the body artist, the Department, and a licensed healthcare professional if the body art procedure site shows signs of infection.
  - 10.12.2. Aftercare instructions shall be approved by the Department.
- 10.13. A body artist shall:
  - 10.13.1. only perform body art procedures in a procedure area, as defined in this regulation; and
  - 10.13.2. be aware of any recalled tattoo inks or other body art products.

**11. Specific Health and Sanitation Requirements -- Tattooing and Permanent Cosmetics.**

- 11.1. The body art procedure area, as specified in Subsections 9.1.1 through 9.1.3, shall be cleaned and disinfected prior to its use for each client.
- 11.2. The hand washing procedures shall be followed as directed in Subsection 10.4.
- 11.3. Equipment, multi-use implements, tools, and materials are:
  - 11.3.1. covered with single-use protective barriers that:
    - 11.3.1.1. may include machine bags, clip cord sleeves, and bottle bags; and
    - 11.3.1.2. are changed between clients; and
  - 11.3.2. properly cleaned and disinfected, or discarded, after servicing each client in accordance with Section 9.
- 11.4. Absorbent products used during application of dyes or inks are sanitary single-use products and are discarded immediately after use into the waste container required in Subsection 7.2.8.2.
- 11.5. Inks, dyes, and pigments are:
  - 11.5.1. lead free;

- 11.5.2. specifically manufactured for performing body art procedures;
- 11.5.3. used according to the manufacturer's instructions;
- 11.5.4. only mixed or diluted with thinner recommended by the manufacturer;
- 11.5.5. not diluted with potable water;
- 11.5.6. diluted for single-use on a single client; and
- 11.5.7. transferred, immediately before a tattoo is applied, from the bottle or container and placed into single-use plastic cups or caps, which are;
  - 11.5.7.1. not used on more than one client; and
  - 11.5.7.2. discarded with their contents upon completion of the procedure.
- 11.6. Any product used in the application of stencils is dispensed and applied on the procedure site in a manner to prevent contamination of the original container and its contents.
- 11.7. Products applied to the skin after the skin has been broken, including body art stencils, are single-use and disposable.
- 11.8. Tattoos are applied using sterile equipment, or sterilized single-use equipment.
- 11.9. Work shall be performed from a sterilized, non-porous tray set-up or disinfected tray with a single-use disposable tray liner during a body art procedure.
- 11.10. Removal of excess dye or ink from the skin shall be done with a single-use item, and then discarded into the waste container required in Subsection 7.2.8.2.
- 11.11. After completing work on any person, the procedure site shall be washed with an antiseptic solution.
- 11.12. Except for a microblading or permanent cosmetic procedure, a tattooed area is allowed to dry and is either:
  - 11.12.1. covered using a topical antibacterial ointment or spray and an impermeable wrap; or
  - 11.12.2. covered with a sterile tattoo-specific bandage applied according to the manufacturer's directions.
- 11.13. Microblading implements consist of a handle and needle grouping, known in the industry as a blade, manufactured as one unit that is single-use and disposable, and is discarded immediately after use as required in Subsection 10.11.3; and

- 11.13.1. other materials used during a microblading procedure are single use, and are used and discarded as required in Subsection 10.11.2.

## **12. Specific Health and Sanitation Requirements - Body Piercing.**

The operator, or body artist, shall ensure that:

- 12.1. body piercing needles are:
  - 12.1.1. sterile, single use, and manufactured for either medical or body piercing purposes;
  - 12.1.2. disposed of immediately after use in a sharps container; and
  - 12.1.3. not thinner than 20 gauge or thicker than six gauge.
- 12.2. after use on each client, equipment, multi-use implements, tools, and materials are properly cleaned and sterilized, or disinfected if sterilization is not feasible, in accordance with Section 9.
- 12.3. jewelry to be used for a new body piercing is:
  - 12.3.1. inspected before use to ensure it is free of nicks, scratches, and other imperfections;
  - 12.3.2. sterilized before use; and
  - 12.3.3. only made from the following materials:
    - 12.3.3.1. ASTM F-136, ASTM F-67, ASTM F-1295, or ASTM F-1295 compliant titanium and titanium alloys;
    - 12.3.3.2. ASTM F-138 compliant stainless steel;
    - 12.3.3.3. ASTM B-392 compliant niobium, except matte finish black;
    - 12.3.3.4. solid 14K or 18K white, yellow, or rose gold that is nickel and cadmium free;
    - 12.3.3.5. platinum;
    - 12.3.3.6. ASTM F754 compliant PTFE;
    - 12.3.3.7. 00G to 14G gauge glass that is lead free including fused quartz, borosilicate, and soda-lime; or
    - 12.3.3.8. Tygon; and

- 12.3.3.8.1. not made from any of the following materials:
  - 12.3.3.8.1.1. gold filled, rolled, vermeil, or plated jewelry;
  - 12.3.3.8.1.2. silver;
  - 12.3.3.8.1.3. stainless steel that is not ASTM F-138 compliant;
  - 12.3.3.8.1.4. aluminum;
  - 12.3.3.8.1.5. tempered glass or glass with gauge size higher than 14G;
  - 12.3.3.8.1.6. wood of any type;
  - 12.3.3.8.1.7. any type of organic material including horn, bone, coconut wood, bamboo, or ivory;
  - 12.3.3.8.1.8. stone; or
  - 12.3.3.8.1.9. high-density, low-porosity nontoxic plastics such as acrylic.

12.4. each body artist:

- 12.4.1. follows the hand washing procedures as directed in Subsection 10.4 before performing any body piercing procedures;
- 12.4.2. cleans and disinfects the body art procedure area as specified in Subsections 9.1.1 through 9.1.3 prior to use for each client;
- 12.4.3. works from a sterilized, non-porous tray set-up or disinfected tray with a single-use disposable tray liner during a body piercing procedure;
- 12.4.4. inspects each piercing needle immediately before use to ensure that there are no burrs or irregularities; and
- 12.4.5. provides the client with a small amount of antimicrobial mouthwash in a disposable cup prior to any oral piercing, and advises the client to rinse thoroughly for at least 30 seconds.

**13. Records and Recordkeeping Requirements.**

- 13.1. Before engaging in any body art procedure, the operator or body artist shall require a client or potential client to complete a client consent and disclosure form which may be in written or digital format.

- 13.2. The client consent and disclosure form shall include the following sections:
  - 13.2.1. a risk notification section that provides information detailing the risks and possible consequences of a body art procedure, including the following:
    - 13.2.1.1. a body art procedure can cause:
      - 13.2.1.1.1. swelling, bruising, discomfort, bleeding, and pain;
      - 13.2.1.1.2. an allergic reaction; and
      - 13.2.1.1.3. irreversible modifications to the client's body;
    - 13.2.1.2. a body art procedure increases the client's risk of infection; and
    - 13.2.1.3. a client with a heart condition may have an increased risk of contracting bacterial endocarditis and should contact his or her physician before receiving any body art procedure;
  - 13.2.2. a client evaluation section that asks at a minimum the following questions to evaluate the client's condition for receiving body art without violating the client's medical privacy:
    - 13.2.2.1. "Are you 18 years of age or older?";
    - 13.2.2.2. "Have you eaten within the past four hours?";
    - 13.2.2.3. "Are you under the influence of drugs or alcohol?";
    - 13.2.2.4. "Have you ingested anticoagulants, antiplatelet drugs, or NSAIDS (e.g. aspirin, ibuprofen,) in the last 24 hours?";
    - 13.2.2.5. "Have you ingested any medication that may inhibit the ability to heal a skin wound?";
    - 13.2.2.6. "Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?";
    - 13.2.2.7. "Do you have hemophilia; epilepsy; a history of seizure, fainting or narcolepsy; or other conditions that may interfere with the body art procedure?";
    - 13.2.2.8. "Do you have a history of skin diseases, skin lesions, or other skin sensitivities to soaps or disinfectants that might inhibit the healing of the body art procedure?";

- 13.2.2.9. "Do you have any communicable diseases (i.e. hepatitis A, hepatitis B, HIV, or any other disease that may be transferred during the procedure)?";
- 13.2.2.10. "Are you pregnant?"
- 13.2.2.11. "Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that may interfere with the body art procedure?"; and
- 13.2.2.12. The client evaluation section shall include the statement, "If you have health or medical concerns, please consult a physician before engaging in a body art procedure.";
- 13.2.3. a client information section asking for the following information:
  - 13.2.3.1. the client's full name and date of birth as verified from a valid government issued photo identification or identification from a parent or legal guardian if the client is a minor;
    - 13.2.3.1.1. if the client is a minor, a copy of the parent's or legal guardian's valid government photo identification shall be kept on file.
  - 13.2.3.2. client's physical address; and
  - 13.2.3.3. client's phone number;
- 13.2.4. an informed consent statement that shall confirm at least the following:
  - 13.2.4.1. the client is voluntarily obtaining services of his or her own free will and volition;
  - 13.2.4.2. the client has had the opportunity to read and understand the consent and disclosure form;
  - 13.2.4.3. the client has the ability to ask questions about the body art procedure, before, during, and after the procedure; and
  - 13.2.4.4. the client has received and understands written and verbal aftercare instructions.
- 13.3. The operator or body artist shall sign the client's consent and disclosure form acknowledging that the client received the required information.



- 13.4. The client, and legal guardian if the client is a minor, shall sign the client's consent and disclosure form acknowledging that the information in the form is understood.
- 13.5. The operator or body artist shall provide a copy of the completed consent and disclosure form in printed or digital format when requested by the client.
- 13.6. The operator shall acquire the Department's approval of the client consent and disclosure form for use by the body art facility before the facility is issued an operating permit.
- 13.7. The operator or body artist shall make a written or digital record of each administered body art procedure including:
  - 13.7.1. the date and time of procedure;
  - 13.7.2. a brief description of the procedure performed, including type and location; and
  - 13.7.3. the body artist's name.
- 13.8. Within 48 hours of becoming aware, the operator or body artist shall report to the Department:
  - 13.8.1. any injury, complaint of injury, infection that required treatment by a licensed medical practitioner, or any communicable diseases resulting from the body art procedure, and;
  - 13.8.2. any adverse events relating to or suspected of being related to materials used during a body art procedure including the name of the body artist, client information, description of adverse events and a complete description of materials involved with lot or batch codes.
- 13.9. The operator, or body artist, shall:
  - 13.9.1. keep client records confidential;
  - 13.9.2. retain client records for a minimum of three years after the date of procedure; and
  - 13.9.3. make client records available to the Department upon request.
- 13.10. Sterilization Records:
  - 13.10.1. The operator or body artist shall maintain a description of each sterilized instrument used in body art procedures at the body art facility for three

years after the date of procedure, and shall make any records available to the Department upon request. Invoice, order, or lot number(s) may satisfy this requirement; and

13.10.2. The operator or body artist shall retain records of spore testing, as required in Subsection 9.3, for at least three years after the date of receipt. These records shall be:

13.10.2.1. retained at the body art facility; and

13.10.2.2. made available to the Department upon request.

#### **14. Solid Waste.**

The operator shall ensure that solid waste generated at a body art facility, including regulated waste, is:

14.1. contained, labeled, stored, transported, and disposed in accordance with applicable State of Utah solid and hazardous waste regulations;

14.2. stored in a leak-proof, non-absorbent container that is kept covered with a tight-fitting lid; and

14.3. disposed with sufficient frequency and in such a manner as to prevent insect breeding or an imminent health hazard.

#### **15. Prohibited Practices.**

15.1. The operator or body artist shall ensure that:

15.1.1. a body art procedure performed on a minor is carried out in accordance with Utah Administrative Code 76-10-2201;

15.1.2. styptic pencils, alum blocks, or other solid styptics are not used in a body art facility to stop the flow of blood; and

15.1.3. liquid or powdered astringents, if used to stop the flow of blood, are applied with a clean spatula, single-use gauze, or cotton.

15.2. A body artist may not:

15.2.1. perform a body art procedure on the genitals, nipples, or breasts of a minor;

15.2.2. perform body art on a person who, in the opinion of the operator or artist, is inebriated or appears to be under the influence of alcohol or drugs;

- 15.2.3. perform extreme body modification, as defined in this regulation; or
  - 15.2.4. use any product that has been recalled.
- 15.3. Temporary body art facilities are not permitted under this regulation.

**16. Facility Permit Requirements.**

- 16.1. A body art facility shall not operate unless the operator has first obtained a permit to operate from the Department.
- 16.1.1. To obtain a permit, the operator shall complete an application provided by the Department and pay the associated fees.
  - 16.1.2. Before the body art facility is eligible for a permit, the operator shall demonstrate to the Department that the facility can meet the requirements specified in Sections 4-9 of this regulation. The operator shall also demonstrate that the facility has the systems in place to meet the written consent and disclosure requirements, and to keep records as required in Section 13.
  - 16.1.3. The operator or body artist shall be able to demonstrate to the Department initially, and upon subsequent inspections, sufficient knowledge of aseptic technique, as well as safe and sanitary procedural operations as required in Section 10.
  - 16.1.4. The operator shall submit to the Department properly prepared plans and specifications for review before:
    - 16.1.4.1. the construction of a body art facility;
    - 16.1.4.2. the conversion of an existing structure for use as a body art facility;  
or
    - 16.1.4.3. the remodeling of a body art facility if the Department determines plans and specifications are necessary to ensure compliance with this regulation.
  - 16.1.5. A body art facility permit may not be transferred from one facility, owner, or operator to another. A change in ownership or change of body art facility location invalidates the existing permit.
  - 16.1.6. A current body art facility permit shall be posted in a prominent and conspicuous area in the body art facility where it may be readily observed by clients and the Department.

**17. Body Artist Permit.**

- 17.1. No body artist shall practice body art procedures without first obtaining an artist permit from the Department.
- 17.2. The body artist 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.
- 17.3. Applicant for an artist permit shall submit the following:
  - 17.3.1. place(s) of employment as a body artist;
  - 17.3.2. copy of government issued identification;
  - 17.3.3. proof of completed immunization for hepatitis B;
  - 17.3.4. current First Aid and CPR training certificate;
  - 17.3.5. proof of industry specific bloodborne pathogen training program or equivalent;
  - 17.3.6. aseptic training documentation; and
  - 17.3.7. training or experience for each service offered.
- 17.4. Applicant shall demonstrate adequate knowledge of the following subjects:
  - 17.4.1. anatomy;
  - 17.4.2. skin diseases, disorders and conditions (including diabetes);
  - 17.4.3. infectious disease control, including waste disposal;
  - 17.4.4. handwashing techniques;
  - 17.4.5. sterilization equipment operation and methods; and
  - 17.4.6. disinfection/sterilization methods and techniques.
- 17.5. No body artist permit shall be issued unless, following reasonable investigation by the Department, the body artist has demonstrated compliance with the provisions of this section and all other provisions of this regulation.
- 17.6. No body artist shall knowingly do any of the following:
  - 17.6.1. conceal, withhold, or falsify records or evidence;

- 17.6.2. interfere with the performance of the duties of the Department; or
- 17.6.3. make a false statement, representation, certification, record, report, or otherwise falsify information required to be maintained or retained pursuant to this regulation.
- 17.7. All body artist permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this regulation.
- 17.8. All body artist permits shall be posted in a prominent and conspicuous area where they can be readily observed by clients.
- 17.9. Body artists shall only offer services in body art techniques that they have been trained to perform.
  - 17.9.1. Any time a body artist is trained in a new body art technique, they shall submit proper documentation to the Department.
- 17.10. Applicants must be a minimum of 18 years old.

**18. Inspections and Investigations.**

Upon presenting proper identification, the operator, or body artist, shall permit the Department to enter upon the premises of a body art facility to perform inspections and investigations as to any matters affecting public health, and as necessary to ensure compliance with this regulation.

**19. Closing, Revoking, or Restricting Use of a Body Art Permit.**

- 19.1. Facility closure or restriction:
  - 19.1.1. if the condition or operation of a body art facility is creating an imminent health hazard to the public, the Department may:
    - 19.1.1.1. close the body art facility;
    - 19.1.1.2. close the affected portion of the body art facility; or
    - 19.1.1.3. restrict the use of all or part of the body art facility or its equipment or instruments;
  - 19.1.2. the operator shall restrict public access to the impacted area of any body art facility closed or restricted to use by the Department within a reasonable time as ordered by the Department; and

19.1.3. an operator may not allow the public to utilize any body art facility or portion thereof that has been deemed unfit for use until the Department gives written approval.

19.2. Artist permit:

19.2.1. A body artist may have their artist permit revoked by the Department if:

19.2.1.1. training documents have been falsified;

19.2.1.2. sanitary practices are not followed; or

19.2.1.3. services are rendered that they are not adequately trained to perform. Inadequate training includes having no official training, being “self-taught”, or having incomplete training.

**20. Severability.**

If any provision of this regulation, or its application to any person or circumstance is declared invalid, the application of such provisions to other persons or circumstances, and the remainder of this regulation shall be given effect without the invalidated provision or application.

IN WITNESS WHEREOF, the Southwest Utah Public Health Department has passed, approved and adopted this regulation

Effective date: April 20, 2022

Signed: \_\_\_\_\_

Wade Hollingshead, Commissioner  
Board Chairman

Signed: \_\_\_\_\_

David Blodgett, MD, MPH  
Executive Director / Health Officer