

# **CUPHD Body Art Sanitation Proposal**

## **Explanation and Summary:**

CUPHD's current Body Art regulation was adopted in May 2007. The Body Art industry has evolved significantly over the past 14 years. The purpose of this proposed change is to bring this regulation up-to-date with current industry practices, trends, and standards.

In addition to the general modernization and increased comprehensiveness, major changes include:

- Elimination of the Operator/Artist permit. The facility operator will be responsible to ensure all artists comply with the artist-specific requirements.
- Elimination of the requirement of an Operator/Artist to meet with a department infectious disease nurse to demonstrate knowledge of anatomy, skin diseases, etc.
  - Approved First Aid training will replace the anatomy and skin disease requirements.

Rather than attempting to update the current version in its current format, CUPHD is pursuing a Repeal and Reenact process. Therefore, the entire current version that follows is struck through. The new proposal follows afterward with a 'draft' watermark.

Please send any comments or questions to:

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(email is preferred)

Public comment period: May 3 - 31, 2021

# Central Utah Public Health Department

## REGULATIONS FOR BODY ART FACILITIES

### 1.0 PURPOSE

It is the purpose of these regulations to regulate Body Art Facilities, tattooing, permanent cosmetics, body piercing, scarification, and branding 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 Juab, Millard, Piute, Sanpete, Sevier and Wayne Counties.

### 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 ~~BODY ART~~ means the practice of physical body adornment by permitted establishments, 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 establishment. Nor does this definition include, for the purposes of this regulation, piercing of the outer perimeter or lobe of the ear with presterilized single-use stud and clasp ear-piercing systems.
- 2.4 ~~BODY ART ESTABLISHMENT~~ 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.
- 2.5 ~~BODY PIERCING~~ means puncturing or penetration of the skin of a person with presterilized single-use needles and the insertion of the presterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a presterilized single-use stud and clasp ear-piercing system shall not be included in this definition.
- 2.6 ~~BRANDING~~ means burning the skin with a heated metal wire, iron, rod or stencil with the intent of producing a permanent scar or mark.
- 2.7 ~~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 29 Code of Federal Regulations Part 1910.1030, which may be found at: <http://www.osha.gov>, known as Occupational Exposure to Bloodborne Pathogens.
- ~~2.8 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.~~
- ~~2.9 DEPARTMENT means the Central Utah Public Health Department or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these regulations.~~
- ~~2.10 DIRECTOR means the Director of the local health department or his/her authorized representative.~~
- ~~2.11 DISINFECTION means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.~~
- ~~2.12 EAR PIERCING means the puncturing of the outer perimeter or lobe of the ear with a presterilized single-use stud and clasp ear-piercing system following manufacturer=s instructions.~~
- ~~2.13 EQUIPMENT means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.~~
- ~~2.14 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.~~
- ~~2.15 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.~~
- ~~2.16 HOT WATER means water that attains and maintains a temperature of at least 115 degrees F.~~
- ~~2.17 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.~~
- ~~2.18 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.~~
- ~~2.19 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, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.~~
- ~~2.20 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).~~
- ~~2.21 MOBILE BODY ART ESTABLISHMENT/UNIT means a mobile establishment or unit which is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water and electricity which operates at a fixed location where a permitted operator performs body art procedures for less than 14 days in conjunction with a single event or celebration.~~
- ~~2.22 OPERATOR means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.~~
- ~~2.23 PERMIT means written approval by the local health department to operate a body art establishment. 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 mean any objects (sterile or contaminated) that may purposefully or~~

~~accidentally cut or penetrate the skin or mucosa, including, but not limited to, presterilized, 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 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 hand washing, 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 local health 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—Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.~~
- ~~3.6—Check the Exposure 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 establishment 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**

### **5A.—Establishment Permit**

- ~~5A.1—No person, firm, partnership, joint venture, association, business trust, corporation or organized group of persons may operate a body art establishment except with a body art establishment permit from the Department.~~
- ~~5A.2—Any body art facility that fails to meet the requirements of these regulations, and has been found to be a threat to public health, safety, or welfare may be closed by the local health department.~~
- ~~5A.3—Any person, body art technician, employee, operator, or owner that fails to meet the requirements of these regulations, and has been found to be a threat to public health, safety, or welfare may be prohibited from working in a body art facility.~~
- ~~5A.4—A permit for a body art establishment shall not be transferable from one place or person to another.~~
- ~~5A.5—A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.~~
- ~~5A.6—The holder of a body art establishment permit must only hire operators who have complied with the operator permit requirements of this regulation.~~
- ~~5A.7—A permit issued under this section expires annually and may be renewed upon application to the local health department, payment of the established renewal fee, and compliance with the requirements of any applicable regulations.~~

## **5B.—Operator Permit**

- 5B.1—No person shall practice body art procedures without first obtaining an operator permit from the Department. The Central Utah Board of Health shall set a reasonable fee for such permits.
- 5B.2—The operator permit shall be valid from the date of issuance and shall automatically expire annually from the date of issuance unless revoked sooner by the Department in accordance with Section 17.
- 5B.3—Application for an operator 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;
  - h.—training and/or experience;
- 5B.4—Applicant shall be able to demonstrate to the department infectious disease nurse that he or she has sufficient knowledge to properly conduct a sanitary body art procedure and by demonstrating knowledge of the following subjects by providing documentation of training in such:
- anatomy;
  - skin diseases, disorders and condition (including diabetes);
  - infectious disease control, including waste disposal, hand washing techniques, sterilization equipment operation and methods, and
  - sanitization/disinfection/sterilization methods and techniques.
- 5B.5—No operator permit shall be issued unless, following reasonable investigation by the Department, the body art's operator has demonstrated compliance with the provision of this section and all other provisions of this regulation.
- 5B.6—No operator permit shall be issued unless, following reasonable investigation by the Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this regulation.
- 5B.7—All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this regulation.
- 5B.8—All operator 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 establishments applying after adoption of this regulation shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department, as part of the permit application process. All persons applying

for a Body Art Establishment Permit shall pay a plan review fee as established by the Central Utah Board of Health.

- 6.2—~~All walls, floors, ceilings, and procedure surfaces of a body art establishment 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 establishments 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 entrance into the establishment and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin and rodents shall not be present in any part of the establishment, its appurtenances, or appertaining premises.~~
- 6.4—~~There shall be a minimum of 45 square feet of floor space for each operator in the establishment. Each establishment shall have an area that may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains, or partitions, at a minimum.~~
- 6.5—~~The establishment 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 establishment except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.~~
- 6.7—~~A separate, readily accessible hand-sink 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 shall be readily accessible within the body art establishment. 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 establishment.~~
- 6.8—~~At least one covered waste receptacle shall be provided in each operator 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 establishment. 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 establishments 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 local health department and the procedure for filing a complaint. The Disclosure Statement and the Notice for Filing a Complaint shall be included in the establishment Permit Application Packet.~~

~~7.2—All 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/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.—pregnant;~~
  - ~~h.—history of HIV;~~
  - ~~i.—history of Hepatitis B or C.~~

~~8.2—The operator/technician should ask the client to sign a Release Form confirming that the above information was obtained or that the operator/technician attempted to be obtained. The client should 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 operators= name. All client records shall be confidential and be retained for a minimum of seven (7) years and made available to the Department upon notification.~~

~~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 establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, the 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 seven (7) years and shall be available to the Department upon request. The Department and the body art establishment 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 non single use, non disposable 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 manufacturers' instructions.
- ~~11.2—After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 9.3). 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, non-disposable 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 manufacturers' instructions. A copy of the manufacturers recommended procedures for the operation of the sterilization unit must be available for inspection by the Department.~~
- ~~11.4—Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from workstations or areas frequented by the public. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.~~
- ~~11.5—Each person 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.~~
- ~~11.6—All reusable instruments, with the exception of needles, used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to re-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.~~
- ~~11.7—All instruments used for tattooing/body piercing 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.~~
- ~~11.8—All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturers 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 shall 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 REQUIREMENTS AND PROFESSIONAL STANDARDS~~**

- ~~13.1 The following information shall be kept on file on the premises of a body art establishment 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. establishment information~~
    - ~~1. establishment name;~~
    - ~~2. hours of operation;~~
    - ~~3. owner=s name and address;~~
  - ~~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 establishment with a current permit.~~
- ~~13.3 The body art operator 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 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 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 must thoroughly wash their 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 sterile disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with 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 sterile medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.~~
- ~~13.8 If, while performing a body art procedure, the operator's glove is pierced, torn, or otherwise contaminated, the procedure delineated in Section 13.7 shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see 13.7 above) before a fresh pair of gloves is applied. 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 disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or body fluids when compressed or does not released 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 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 shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, weeping, dermatological lesions or respiratory infections shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person~~

~~could contaminate the body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.~~

~~13.13 Proof shall be provided upon request of the Department that all operators have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering 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 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 MOBILE BODY ART ESTABLISHMENTS**

~~In addition to complying with all of the requirements of this regulation, mobile body art vehicles and operators/technicians working from a mobile body art establishment shall also comply with all of the following requirements:~~

~~15.1 Mobile body art establishments are permitted for use only at special events, lasting 14 calendar days or less. Permits must be obtained at least 14 days prior to the event, and no body art procedures are to be performed before a permit is issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.~~

~~15.2 Body art performed pursuant to this section shall be done only from an enclosed vehicle, such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.~~

~~15.3 The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight fitting. Open-able windows shall have tight fitting screens.~~

~~15.4 Mobile body art establishments must have approved sterilization equipment available, in accordance with all requirements of Section 11, Sanitation and Sterilization Procedures.~~

~~15.5 The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted~~

~~inside the vehicle, unless the body art workstation is separated by walls, floor to ceiling, from culinary or domicile areas.~~

- ~~15.6 The mobile body art establishment shall be equipped with an equipment washing sink and a separate hand sink for the exclusive use of the operator for hand washing and preparing the client for the body art procedures. The hand sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and storage (in gallons) of the tank(s) shall also be identified.~~
- ~~15.7 All liquid wastes shall be stored in an adequate storage tank with a capacity at least 50 percent greater than the capacity of the onboard potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.~~
- ~~15.8 Restroom facilities must be available within the mobile body art establishment or within 300 feet. A hand sink must be available inside or next to the restroom cubicle. The hand sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as liquid soap and paper towels in dispensers. Restroom doors must be self-closing, and adequate ventilation must be available.~~
- ~~15.9 All body art operators/technicians working in a mobile body art establishment must have an operator permit and comply with the operator requirements of this regulation.~~
- ~~15.10 Mobile body art establishments must receive an initial inspection at a location specified by the Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.~~
- ~~15.11 All mobile body art establishments and operator permits, as well as disclosure notices, must be readily seen by clients.~~

## **16.0 PROHIBITIONS**

- ~~16.1 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. Photographic identification of the parent or legal guardian is required.~~
- ~~16.2 It is prohibited to perform body art on a person who, in the opinion of the operator, is inebriated or appears to be under the influence of alcohol or drugs.~~
- ~~16.3 It is prohibited to own, operate, or solicit business as a body art establishment or operator without first obtaining all necessary permits and approvals from the~~

~~Department, unless specifically exempted by this regulation.~~

~~16.4 It is prohibited to obtain or attempt to obtain any body art establishment or operator permit by means of fraud, misrepresentation, or concealment.~~

## **~~17.0 ENFORCEMENT~~**

~~17.1 Establishments 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. Establishments 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.~~

~~17.2 A representative of the Department shall properly identify him or herself before entering a body art establishment to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this regulation.~~

~~17.3 It is unlawful for any person to interfere with the Department in the performance of its duties.~~

~~17.4 A copy of the inspection report must be furnished to the permit holder or operator of the body art establishment, with the Department retaining possession of the original.~~

~~17.5 If, after investigation, the Department should find that a permittee or operator is in violation of this regulation, the Department may advise the permittee or 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.~~

~~17.6 If the Department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator, 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 owner or operator, the Department may do any or all of the following:~~

- ~~a. Issue an order excluding any or all operators from the permitted body art establishment 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 establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.~~

## **~~18.0 SUSPENSION OR REVOCATION OF PERMITS~~**

~~18.1 Permits issued under the provisions of the regulation may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this regulation.~~



- ~~18.2—Whenever a permit holder or operator 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, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder or 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.~~
- ~~18.3—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 establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this regulation, the permit will be reinstated.~~
- ~~18.4—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 permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or 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.~~
- ~~18.5—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 permit holder.~~
- ~~18.6—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.~~

## **19.0 PENALTY**

- ~~19.1—Any person who is found guilty of violating any of the provisions of these regulations, either by failing to do those acts required herein, or by doing 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.~~
- ~~19.2—Each day such violation is committed or permitted to continue shall constitute a separate violation.~~
- ~~19.3—The city attorney, or as appropriate, the county attorney, may initiate legal action, civil or criminal, requested by the LOCAL HEALTH DEPARTMENT to abate any condition that exists in violation of these regulations.~~

~~19.4—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 LOCAL HEALTH DEPARTMENT removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.~~

## **~~20.0 DEPARTMENT PERSONNEL COMPETENCY REQUIREMENT~~**

~~Department personnel performing environmental health/sanitary evaluations or compliance investigations of body art establishments shall meet the same requirements as specified for operators in Section 13.0 of this regulation prior to assuming responsibilities for this program.~~

## **~~21.0 INTERPRETATION AND SEVERABILITY~~**

~~21.1—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.~~

~~21.2—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.~~

## **~~22.0 ADVERTISING~~**

~~22.0—No person, in any advertisement, shall refer to the fact that the Body Art Facility is permitted by the Department. No person shall state or imply that the Department has approved any activity under such permit.~~

~~22.1—A Body Art Facility shall not advertise, or distribute promotional materials that claim that using a Body Art Facility is safe or free from risk or that using the facility will result in medical or health benefits. The only claims that may be made for tattoos are cosmetic.~~

~~22.2—A Body Art Facility shall not advertise or distribute promotional materials that target school age children in grades K through 12 to use their facility, offer discounts to school age children, or promote the cosmetic benefits of a body art to enhance social acceptance in any school related activity.~~

# Body Art Sanitation

## 1. Purpose.

This rule establishes minimum standards for the sanitation, operation, and maintenance of a body art facility and a temporary body art facility, as defined by this rule, and 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.

## 2. Applicability.

2.1. This rule applies to:

2.1.1. a body art facility;

2.1.2. a temporary body art facility; and

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

2.2. This rule 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 rule:

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. "Biocompatible" means the ability of an object to perform its intended function, with the desired degree of incorporation in the host, without eliciting any undesirable local or systemic effects in that host.
- 3.7. "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).
- 3.8. "Body art"
- 3.8.1. "Body art" means the practice of physical body adornment including body piercing, tattooing, permanent cosmetics, microblading, branding, and scarification.
- 3.8.2. "Body art" does not include ear piercing, as provided in Subsection 3.22.
- 3.9. "Body artist" means any person performing body art services.
- 3.10. "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.
- 3.11. "Body piercing", except ear piercing as provided in Subsection 3.22, means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.
- 3.12. "Branding" means the process in which a mark or marks are burned, with or without heated metal, into human skin tissue with the intention of leaving a permanent mark.
- 3.13. "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.
- 3.14. "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.
- 3.15. "Client" means an individual upon whom a body artist performs a body art procedure, or who enters a body art facility or a temporary body art facility with the intent to receive services.
- 3.16. "Contamination" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- 3.17. "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.
- 3.18. “Department” means the Central Utah Public Health Department or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce this rule.
  - 3.19. “Director” means the Director, or Health Officer, of the Central Utah Public Health Department or his/her authorized representative.
  - 3.20. "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.
  - 3.21. "Dwelling" means a building or structure that is intended or designed to be used, rented, leased, let or hired out for human habitation.
  - 3.22. "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.
  - 3.23. "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.
  - 3.24. "Furnishings" means any fixture, furniture, and other objects within a body art facility that are not integral to the structure of the physical facility and are not utilized in the storage of body art equipment, application of body art, or its sterilization, decontamination, or disinfection processes.
  - 3.25. "Gloves" means medical grade or exam grade, non-powdered, disposable, single-use full-hand covering gloves worn for protection against disease transmission.
  - 3.26. "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.
  - 3.27. “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.
  - 3.28. "Hot water" means water heated to a temperature of not less than 110 degrees Fahrenheit at the outlet.

- 3.29. "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.
- 3.30. "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.
- 3.31. "Jewelry" means any biocompatible object that is worn in a body piercing.
- 3.32. "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.
- 3.33. "Minor" has the same meaning as provided in Utah Administrative Code 76-10-2201.
- 3.34. "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.
- 3.35. "Operator" means any person who, whether permitted or not, controls, operates, owns, or manages a body art facility or temporary body art facility, whether or not they perform body art procedures, or any individual who has been designated by the operator as the person in charge.
- 3.36. "Permanent cosmetics"
- 3.36.1. "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."
- 3.36.2. "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.
- 3.37. "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.
- 3.38. "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.

- 3.39. "Plumbing Code" means International Plumbing Code as incorporated and amended in Utah Title 15A, State Construction and Fire Codes Act.
- 3.40. "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.
- 3.41. "Potentially infectious material" means:
- 3.41.1. the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, 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;
  - 3.41.2. any unfixed tissue or organ, other than intact skin, from a human, whether living or dead; and
  - 3.41.3. HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions.
- 3.42. "Premises" means any lot, parcel, or plot of land, including any buildings or structure.
- 3.43. "Procedure" means the act of performing body art.
- 3.44. "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.
- 3.45. "Procedure site" means the area or location on the human body selected for the placement of body art.
- 3.46. "Processing area" means a room or area in a body art facility or temporary body art facility used only for cleaning, decontamination, sterilization, and related tasks.
- 3.47. "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).
- 3.48. "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.

- 3.49. "Scarification" means the process in which a mark or marks are cut into human skin tissue with the intention of leaving a permanent mark.
- 3.50. "Service Animal" has the same meaning as provided in Section 35.104 of the Americans with Disabilities Act Title II Regulations.
- 3.51. "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.
- 3.52. "Sharps container" means a closable, puncture-resistant container that is:
- 3.52.1. leak-proof on the sides and bottom;
  - 3.52.2. manufactured in compliance with NIOSH standards;
  - 3.52.3. closable for handling, storage, transportation, and disposal; and
  - 3.52.4. labeled with the international biohazard symbol.
- 3.53. "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, gloves.
- 3.54. "Sterile Water" means water that is purchased sterile, in a single use container.
- 3.55. "Sterilization" means a validated process by the use of physical or chemical agents to render an object or instrument free from living microorganisms.
- 3.56. "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 rule.
- 3.57. "Temporary body art facility" means any body art facility operating at a fixed location where a body artist performs body art procedures for no more than 14 consecutive days in conjunction with a single event or celebration.
- 3.58. "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.
- 3.59. "Vermin" means rats, mice, cockroaches, bedbugs, flies, or any other pest or vector as determined by the Director to be harmful to the life, health, or welfare of the public.
- 3.60. "Wastewater" means sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing pollution of waters of the state.



3.61. "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 or permitted temporary 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 rule;

4.2.3. be present or designate a person in charge when any body art procedure is being performed at the body art facility; and

4.2.4. not knowingly do any of the following:

4.2.4.1. conceal, withhold, or falsify records or evidence;

4.2.4.2. interfere with the performance of the duties of the Director; or

4.2.4.3. make a false statement, representation, certification, record, report, or otherwise falsify information required to be maintained or retained pursuant to this rule.

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;

4.3.2. an adequate supply of chemical disinfectant for use as required in Section 10.1; and

4.3.3. a bloodborne pathogen spill clean-up kit that meets personal protective equipment requirements as defined in 29 CFR 1910.1030(d)(3)(i).

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 Director may allow a fish aquarium in a waiting room or other room not used for body art procedures.
- 4.5. The operator may refuse service to any person, and nothing in this rule shall be construed to require the operator to perform a body art procedure upon a person.
- 4.6. This rule 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 rule, except that the Director 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 or temporary body art facility are designed, installed, and operated according to the requirements set forth by:
  - 5.1.1. the International Plumbing Code, including any amendments or additions from the current Plumbing Code of Utah;
  - 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 or temporary 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 or temporary body art facility;
- 6.2. the sewer system at a body art facility or temporary 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 or temporary 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 or temporary 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 Permanent 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 for cleaning contaminated body art instruments according to the procedure described in Section 10.1.5;
  - 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 10; and
  - 7.1.4. a processing area.
- 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 by a permanent physical barrier between the sink and the ultrasonic cleaner and autoclave 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 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 or observers; 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 Director 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; and
  - 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, except when the handwashing sink described in Subsection 7.2.14 is located outside of, but adjacent to, the toilet enclosure;
- 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 Director; and

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 in the body art procedure area; and

7.2.17.2.3. at least 100-foot candles in the processing area; and

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; and

7.2.17.3.3. any other such location that may cause potential contamination of procedure area surfaces.

## **8. Specific Health and Sanitation Requirements for a Temporary Body Art Facility.**

8.1. A temporary body art facility is exempt from the following provisions required in Section 7:

8.1.1. Subsection 7.2.1.3;

8.1.2. Subsection 7.2.5;

8.1.3. Subsection 7.2.7;

8.1.4. Subsection 7.2.14; and

8.1.5. Subsection 7.2.15.

8.2. Except for Subsection 8.1, the operator of a temporary body art facility and any body artists working in a temporary body art facility shall comply with the requirements of this rule in addition to the requirements of this section.

8.3. The operator shall ensure that:

8.3.1. body art procedures are only performed inside an approved structure that is permitted and regulated by the Department;

- 8.3.2. the floors and walls or partitions of the temporary body art facility are cleanable or disposable;
  - 8.3.3. a temporary body art facility has a toilet room that is accessible to body artists and clients within 300 feet of the temporary body art facility, and is equipped with:
    - 8.3.3.1. a toilet;
    - 8.3.3.2. a handwashing sink:
      - 8.3.3.2.1. with running hot water and cold water under pressure;
      - 8.3.3.2.2. located in or immediately adjacent to the toilet room; and
      - 8.3.3.2.3. used solely for hand washing;
    - 8.3.3.3. soap and toilet tissue in suitable dispensers;
    - 8.3.3.4. individual disposable towels or other approved hand drying facilities; and
    - 8.3.3.5. a solid, durable, and easily cleanable waste receptacle with lid; and
  - 8.3.4. a temporary body art facility has a temporary handwash station in addition to the handwashing sink required in Subsection 8.3.3.2 that is:
    - 8.3.4.1. located within or adjacent to the temporary body art facility;
    - 8.3.4.2. readily accessible to body artists;
    - 8.3.4.3. used solely for hand washing;
    - 8.3.4.4. clean and sanitary, and in good repair; and
    - 8.3.4.5. equipped with:
      - 8.3.4.5.1. an enclosed water container with spigot or faucet;
      - 8.3.4.5.2. a wastewater catch basin;
      - 8.3.4.5.3. liquid hand soap;
      - 8.3.4.5.4. disposable paper towels; and
      - 8.3.4.5.5. a solid, durable, and easily cleanable covered waste receptacle.
- 8.4. Up to four temporary body art facilities, or booths, may share a conveniently located temporary handwash station, as described in Subsection 8.3.4.

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

- 9.1. The operator of a body art facility located in a dwelling and any body artists working in a body art facility located in a dwelling shall comply with the requirements of this rule in addition to the requirements of this section.
- 9.2. The operator of a body art facility located in a dwelling shall ensure that:
  - 9.2.1. any body art procedure:
    - 9.2.1.1. is performed in a procedure area that is permanently dedicated to the business and physically separated from the rest of the dwelling; and
    - 9.2.1.2. is not performed in a kitchen or bathroom;
  - 9.2.2. the procedure area is inaccessible to pets and children; and
  - 9.2.3. the dwelling has at least one dedicated and easily-accessible toilet room, as described in Subsection 7.2.14 for the exclusive use of clients and body artists during business hours.

## **10. Disinfection and Sterilization Requirements.**

- 10.1. The operator shall ensure that:
  - 10.1.1. floors, walls, ceilings, tables, counters, shelves, furniture, furnishings, and plumbing fixtures are kept clean and in good repair;
  - 10.1.2. tables, counters, chairs, and other work surfaces are cleaned and disinfected after each use regardless of whether contamination is visible;
  - 10.1.3. disinfection is carried out using a chemical disinfectant in accordance with the manufacturer's directions;
  - 10.1.4. reusable body art instruments are transported from the procedure area to the processing area in a container with a secured lid;
  - 10.1.5. 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:
    - 10.1.5.1. soak in an enzymatic or other appropriate solution;
    - 10.1.5.2. scrub to remove visible debris;
    - 10.1.5.3. rinse and inspect for visible debris;
    - 10.1.5.4. process through an ultrasonic cycle or automated instrument washer;
    - 10.1.5.5. rinse;
    - 10.1.5.6. air dry; and



- 10.1.5.7. inspect for any remaining residue or debris;
- 10.1.6. except as specified in Subsection 10.1.14, reusable body art instruments are packed individually in peel-packs and subsequently sterilized after being cleaned as specified in Subsection 10.1.5;
- 10.1.7. peel-packs contain either an internal temperature sterilization indicator or Class 5 steam sterilization integrator;
- 10.1.8. peel packs are dated with the date of sterilization;
- 10.1.9. reusable body art instruments remain stored in sterile packages or other containers designed for sterilizing instruments and are marked with the sterilization date until just prior to the performance of a body art procedure;
- 10.1.10. packages, sterile equipment, and body art materials are repackaged and sterilized again or discarded if:
  - 10.1.10.1. the package has been breached; or
  - 10.1.10.2. it has been more than six months since the original package sterilization date;
- 10.1.11. 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;
- 10.1.12. any reusable item or instrument that may have been exposed to bloodborne pathogen contamination during a body art procedure is sterilized prior to use;
- 10.1.13. 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
- 10.1.14. 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:
  - 10.1.14.1. remove all visible debris;
  - 10.1.14.2. disinfect with a chemical disinfectant spray or wipe according to the manufacturer's directions; and
  - 10.1.14.3. store covered in a clean, dry location.

- 10.2. 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.
- 10.3. The operator shall conduct spore testing, according to the manufacturer's directions, at least monthly to ensure that the sterilization equipment is capable of attaining sterilization. These tests shall be verified through an independent laboratory.

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

- 11.1. Before performing any body art procedure, a body artist shall have:
  - 11.1.1. proof of current certificate from an approved bloodborne pathogen training program, or equivalent, including training on aseptic technique, provided or approved by the Department;
  - 11.1.2. proof of current certificate from an approved First Aid training program, or equivalent, provided or approved by the Department; and
  - 11.1.3. a Hepatitis B vaccination record or a completed vaccination declination form.
- 11.2. A body artist shall be a minimum of 18 years of age.
- 11.3. Except as allowed in Subsections 11.3.1 and 11.3.2, 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.
  - 11.3.1. 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.
  - 11.3.2. The body artist may allow a client to eat when symptoms of low blood sugar or shock are observed or likely to occur.
- 11.4. A body artist shall:
  - 11.4.1. maintain hair, skin, nails, and clothes free of visible particulate matter and debris;
  - 11.4.2. employ good personal hygiene habits while providing body art services; and
  - 11.4.3. utilize clean and sterile equipment, tools, implements, and supplies in accordance with this rule.
- 11.5. Before and after performing a body art procedure, body artists shall wash their hands at a designated handwashing sink in the following sequential order:
  - 11.5.1. remove rings, watches, and bracelets from hands and wrists;
  - 11.5.2. turn on warm water, wet hands, and apply soap;

- 11.5.3. rub hands together for a minimum of 20 seconds, making a soapy lather;
  - 11.5.4. include all fingers, between fingers, thumbs, nails, cuticles, wrists, palms, and the top of hands;
  - 11.5.5. rinse soap from hands;
  - 11.5.6. pat hands dry with a clean disposable towel;
  - 11.5.7. use a new, clean, disposable towel to turn off the handles of the sink; and
  - 11.5.8. if necessary, use a new, clean, disposable towel to open any doors between the hand washing area and the procedure area.
- 11.6. At a minimum, a body artist shall wear a new pair of single-use gloves:
- 11.6.1. during set-up and cleaning;
  - 11.6.2. during disinfection and sterilization procedures;
  - 11.6.3. when processing contaminated instruments;
  - 11.6.4. when transporting contaminated instruments to the processing area;
  - 11.6.5. when transporting sterilized instruments from the autoclave to designated storage space;
  - 11.6.6. during post-procedure take down; and
  - 11.6.7. during any contact with a client at the workstation or procedure area.
- 11.7.
- 11.7.1. 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.
  - 11.7.2. 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 11.7.1. The body artist shall discard used razors into the sharps container immediately after use on each client.
- 11.8.
- 11.8.1. If a local anesthetic, numbing agent, is used, the body artist shall apply it before skin preparation, as described in Subsection 11.7.1.
  - 11.8.2. 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.

- 11.9. 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.
- 11.10.
- 11.10.1. 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. A Director may require medical testing or examinations if a contagious or communicable disease is suspected.
- 11.10.2. 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.
- 11.11.
- 11.11.1. 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.
- 11.11.2. Gloves shall be discarded and changed, at a minimum:
- 11.11.2.1. before initial skin preparation and marking;
- 11.11.2.2. before the body art procedure;
- 11.11.2.3. after the completion of a body art procedure, before post-procedure cleanup; and
- 11.11.2.4. when gloves are torn or punctured, or contaminated by contact with unclean surfaces or objects, or by contact with a third person.
- 11.11.3. 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 11.5.
- 11.11.4. Under no circumstance shall a single pair of gloves be used on more than one client.
- 11.11.5. Used gloves may not be rinsed, washed, disinfected, or sterilized for reuse.
- 11.11.6. A body artist shall use gloves when handling sterile equipment.
- 11.12. The operator shall ensure that:
- 11.12.1. 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;

- 11.12.2. 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;
  - 11.12.3. single-use needles, razors, microblades, and other sharps are discarded in a sharps container immediately after use; and
  - 11.12.4. 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.
- 11.13. 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.
- 11.13.1. Aftercare instructions shall advise the client to consult the body artist and a licensed healthcare professional if the body art procedure site shows signs of infection.
  - 11.13.2. Aftercare instructions shall be approved by the Director.
- 11.14. Before performing any branding procedure, the procedure area shall:
- 11.14.1. have walls that extend from floor to ceiling and a tight-fitting closable door;
  - 11.14.2. be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations; and
  - 11.14.3. meet requirements of Section 7.
- 11.15. When performing a branding procedure:
- 11.15.1. the body artist and the client shall wear a mask with an N95 rating or higher; and
  - 11.15.2. the body artist shall use either a strike branding process or a thermal cautery unit as follows:
    - 11.15.2.1. only non-galvanized metal may be used for strike branding; and
    - 11.15.2.2. only propylene gas should be used to heat the metal for strike branding.
- 11.16. Before performing any scarification procedure, the procedure area shall have:
- 11.16.1. walls that extend from floor to ceiling and a tight-fitting closable door;
  - 11.16.2. be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations, and
  - 11.16.3. meet requirements of Section 7.
- 11.17. A body artist shall:

- 11.17.1. only perform body art procedures in a procedure area, as defined in this rule;
- 11.17.2. review and retain a copy of a valid driver's license or other government-issued picture identification of the parent or legal guardian before the body artist performs a body art procedure on a minor; and
- 11.17.3. be aware of the U.S. Food and Drug Administration (FDA) list of recalled tattoo inks or other body art products.

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

The operator shall ensure that:

- 12.1. each body artist cleans and disinfects the body art procedure area as specified in Subsections 10.1.1 through 10.1.3 prior to its use for each client;
- 12.2. each artist follows the hand washing procedures as directed in Subsection 11.5;
- 12.3. equipment, multi-use implements, tools, and materials are:
  - 12.3.1. covered with single-use protective barriers that:
    - 12.3.1.1. may include machine bags, clip cord sleeves, and bottle bags; and
    - 12.3.1.2. are changed between clients; and
  - 12.3.2. properly cleaned and disinfected after servicing each client in accordance with Section 10;
- 12.4. absorbent products used for drying the skin after disinfecting or scrubbing the skin prior to tattooing or 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;
- 12.5. the chairs, table or bench are made of or covered in a non-porous material that can be disinfected;
- 12.6. inks, dyes, and pigments are:
  - 12.6.1. lead free;
  - 12.6.2. specifically manufactured for performing body art procedures;
  - 12.6.3. used according to the manufacturer's instructions;
  - 12.6.4. only mixed or diluted with sterile water or other thinner recommended by the manufacturer;
  - 12.6.5. not diluted with potable water;
  - 12.6.6. diluted for single-use on a single client; and

- 12.6.7. transferred, immediately before a tattoo is applied, from the bottle or container and placed into single-use plastic cups or caps, which are:
  - 12.6.7.1. not reused on more than one client; and
  - 12.6.7.2. discarded with their contents upon completion of the tattoo;
- 12.7. 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;
- 12.8. products applied to the skin after the skin has been broken, including body art stencils, are single-use and disposable;
- 12.9. tattoos are applied using sterile equipment, or sterilized single-use equipment;
- 12.10. each body artist works from a sterilized, non-porous tray set-up or disinfected tray with a single-use disposable tray liner during a body art procedure;
- 12.11. the body artist removes excess dye or ink from the skin with a single-use item that is used only once per procedure, and then immediately discarded into the waste container required in Subsection 7.2.8.2;
- 12.12. after completing work on any person, a body artist washes the tattooed area with an antiseptic solution;
- 12.13. except for a microblading or permanent cosmetic procedure, a tattooed area is allowed to dry and is either:
  - 12.13.1. covered using petroleum jelly or antibacterial ointment and an impermeable wrap which is applied with sterile gauze according to manufacturer's directions; or
  - 12.13.2. covered with a sterile tattoo specific bandage applied according to the manufacturer's directions; and
- 12.14. 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 11.12.3; and
  - 12.14.1. other materials used during a microblading procedure are single use, and are used and discarded as required in Subsection 11.12.2.

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

The operator shall ensure that:

- 13.1. body piercing needles are:
  - 13.1.1. sterile, single use, and manufactured for either medical or body piercing purposes;

- 13.1.2. disposed of immediately after use in a sharps container; and
- 13.1.3. not thinner than 20 gauge or thicker than six gauge;
- 13.2. after use on each client, equipment, multi-use implements, and tools and materials are properly cleaned and sterilized, or disinfected if sterilization is not feasible, in accordance with Section 10;
- 13.3. jewelry to be used for a new body piercing is:
  - 13.3.1. inspected before use to ensure it is free of nicks, scratches, and other imperfections;
  - 13.3.2. sterilized before use;
  - 13.3.3. only made from the following materials:
    - 13.3.3.1. ASTM F-136, ASTM F-67, ASTM F-1295, or ASTM F-1295 compliant titanium and titanium alloys;
    - 13.3.3.2. ASTM F-138 compliant stainless steel;
    - 13.3.3.3. ASTM B-392 compliant niobium, except matte finish black;
    - 13.3.3.4. solid 14K or 18K white, yellow, or rose gold that is nickel and cadmium free;
    - 13.3.3.5. platinum;
    - 13.3.3.6. ASTM F754 compliant PTFE;
    - 13.3.3.7. 00G to 14G gauge glass that is lead free including fused quartz, borosilicate, and soda-lime; or
    - 13.3.3.8. Tygon; and
  - 13.3.4. not made from any of the following materials:
    - 13.3.4.1. gold filled, rolled, vermeil, or plated jewelry;
    - 13.3.4.2. silver;
    - 13.3.4.3. stainless steel that is not ASTM F-138 compliant;
    - 13.3.4.4. aluminum.
    - 13.3.4.5. tempered glass or glass with gauge size higher than 14G;
    - 13.3.4.6. wood of any type;



- 13.3.4.7. any type of organic material including horn, bone, coconut wood, bamboo, or ivory;
- 13.3.4.8. stone; or
- 13.3.4.9. high-density, low-porosity nontoxic plastics such as acrylic; and

13.4. each body artist:

- 13.4.1. follows the hand washing procedures as directed in Subsection 11.5 before performing any body piercing procedures;
- 13.4.2. cleans and disinfects the body art procedure area as specified in Subsections 10.1.1 through 10.1.3 prior to use for each client;
- 13.4.3. works from a sterilized, non-porous tray set-up or disinfected tray with a single-use disposable tray liner during a body piercing procedure;
- 13.4.4. inspects each piercing needle immediately before use to ensure that there are no burrs or irregularities; and
- 13.4.5. 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.

**14. Records and Recordkeeping Requirements.**

- 14.1. Before engaging in any body art procedure, the operator shall require a client or potential client to complete a client consent and disclosure form which may be in written or digital format.
- 14.2. The client consent and disclosure form shall include the following sections:
  - 14.2.1. A risk notification section that provides information detailing the risks and possible consequences of a body art procedure, including the following:
    - 14.2.1.1. a body art procedure can cause:
      - 14.2.1.1.1. swelling, bruising, discomfort, bleeding, and pain;
      - 14.2.1.1.2. an allergic reaction; and
      - 14.2.1.1.3. irreversible modifications to the client's body;
    - 14.2.1.2. a body art procedure increases the client's risk of infection; and
    - 14.2.1.3. a potential 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.

- 14.2.2. 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:
- 14.2.2.1. "Are you 18 years of age or older?";
  - 14.2.2.2. "Have you eaten within the past four hours?";
  - 14.2.2.3. "Are you under the influence of drugs or alcohol?";
  - 14.2.2.4. "Have you ingested anticoagulants, antiplatelet drugs, or NSAIDS (e.g. aspirin, ibuprofen,) in the last 24 hours?";
  - 14.2.2.5. "Have you ingested any medication that may inhibit the ability to heal a skin wound?";
  - 14.2.2.6. "Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?";
  - 14.2.2.7. "Do you have hemophilia, epilepsy, a history of seizure, fainting or narcolepsy: or other conditions that may interfere with the body art procedure?";
  - 14.2.2.8. "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?";
  - 14.2.2.9. "Do you have any communicable diseases (i.e. Hep A, Hep B, HIV, or any other disease that may be transferred during the procedure)?";
  - 14.2.2.10. "Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that may interfere with the body art procedure?";  
and
  - 14.2.2.11. 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."
- 14.2.3. A client information section asking for the following information:
- 14.2.3.1. 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;
  - 14.2.3.2. the client's signature, or signature of a legal guardian if the client is a minor;
  - 14.2.3.3. client's physical address;

- 14.2.3.4. client's phone number; and
- 14.2.4. an informed consent statement that shall confirm at least the following:
  - 14.2.4.1. the client is voluntarily obtaining services of his or her own free will and volition;
  - 14.2.4.2. the client has had the opportunity to read and understand the consent and disclosure form;
  - 14.2.4.3. the client has the ability to ask questions about the body art procedure, before, during, and after the procedure; and
  - 14.2.4.4. the client has received and understands written and verbal aftercare instructions.
- 14.3. The operator or body artist shall sign the client's consent and disclosure forms acknowledging that the client received the required information.
- 14.4. The client shall sign the client's consent and disclosure forms acknowledging that the information in the form is understood.
- 14.5. The operator or body artist shall provide a copy of the completed consent and disclosure forms in printed or digital format when requested by the client.
- 14.6. 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.
- 14.7. A body artist shall make a written or digital record of each administered body art procedure including:
  - 14.7.1. the date and time of procedure;
  - 14.7.2. a brief description of the procedure performed, including type and location; and
  - 14.7.3. the body artist's name.
- 14.8. Within 48 hours of becoming aware, the operator or body artist shall report to the Department:
  - 14.8.1. 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; and
  - 14.8.2. any injury, complaint of injury, infection that required treatment by a licensed medical practitioner, or any communicable diseases resulting from the body art procedure.

14.9. The operator shall:

- 14.9.1. keep client records confidential;
- 14.9.2. retain client records for a minimum of three years after the date of procedure; and
- 14.9.3. make client records available to the Director upon request.

14.10.

14.10.1. The operator shall maintain a description of each pre-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 Director upon request. Invoices or orders may satisfy this requirement.

14.10.2. The operator shall retain records of spore testing, as required in Subsection 10.3, for at least three years after the date of receipt. These records shall be:

- 14.10.2.1. retained at the body art facility; and
- 14.10.2.2. made available to the Director upon request.

14.11. The following information for each body artist shall be kept on file on the premises of a body art facility for inspection by the Director:

- 14.11.1. full name;
- 14.11.2. job description;
- 14.11.3. dates of employment;
- 14.11.4. date of birth;
- 14.11.5. primary residence address;
- 14.11.6. phone number;
- 14.11.7. e-mail address;
- 14.11.8. a copy of a government issued photo ID;
- 14.11.9. hepatitis B vaccination or record of declination form; and
- 14.11.10. documentation of:
  - 14.11.10.1. current training in bloodborne pathogens;
  - 14.11.10.2. current training in first aid; and
  - 14.11.10.3. other continuing education as required.

**15. Food and Beverage Service.**

When food or beverage service is provided for body art clients, food service, storage, and preparation shall comply with Utah Administrative Code R392-100 and Department regulations.

**16. Solid Waste.**

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

- 16.1. contained, labeled, stored, transported, and disposed in accordance with applicable State of Utah solid and hazardous waste regulations;
- 16.2. stored in a leak-proof, non-absorbent container that is kept covered with a tight-fitting lid; and
- 16.3. disposed with sufficient frequency and in such a manner as to prevent insect breeding or an imminent health hazard.

**17. Prohibited Practices.**

17.1. The operator shall ensure that:

- 17.1.1. body art procedure performed on a minor is carried out in accordance with Utah Administrative Code 76-10-2201;
- 17.1.2. styptic pencils, alum blocks, or other solid styptics are not used in a body art facility to stop the flow of blood; and
- 17.1.3. liquid or powdered astringents, if used to stop the flow of blood, are applied with a clean spatula, single-use gauze, or cotton.

17.2. A body artist may not:

- 17.2.1. perform a body art procedure on the genitals, nipples, or breasts of a minor unless the minor's parent or legal guardian is present in the procedure area for the entire procedure;
- 17.2.2. perform body art on a person who, in the opinion of the operator, is inebriated or appears to be under the influence of alcohol or drugs;
- 17.2.3. perform branding or scarification, as defined in this rule, on a minor regardless of parental consent; or
- 17.2.4. use on a client any product that has been recalled by the U.S. Food and Drug Administration (FDA).

**18. Permit Requirements.**

- 18.1. A body art facility may not operate in Juab, Millard, Piute, Sanpete, Sevier, or Wayne counties unless the operator has first obtained a permit to operate from the Department.
- 18.2. To obtain a permit, the operator shall complete an application provided by the Department and pay the associated fee.
- 18.3. Before the body art facility or temporary body art facility is eligible for a permit, the operator shall demonstrate to the Director that the facility can meet the requirements specified in Sections 4-10 of this rule. 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 14.
- 18.4. The operator shall be able to demonstrate to the Director initially, and upon subsequent inspections, sufficient knowledge of aseptic technique, as well as safe and sanitary procedural operations as required in Section 9.
- 18.5. The operator shall submit to the Director properly prepared plans and specifications for review before:
  - 18.5.1. the construction of a body art facility;
  - 18.5.2. the conversion of an existing structure for use as a body art facility; or
  - 18.5.3. the remodeling of a body art facility if the Director determines plans and specifications are necessary to ensure compliance with this rule.
- 18.6. A body art facility permit or temporary 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 or temporary body art facility location invalidates the existing permit.
- 18.7. Temporary body art facilities may be permitted to operate in conjunction with a single event or celebration, for which a permit shall only be valid for 14 consecutive days or less. No body art procedure shall be performed in a temporary body art facility before a permit is issued.
- 18.8. Prior to permit issuance, the operator of a temporary body art facility shall demonstrate to the Director compliance with the following minimum requirements:
  - 18.8.1. adequate structure at which body art procedures will be performed;
  - 18.8.2. adequate sterilization equipment and procedures for sterilization, cleaning, and sanitation;
  - 18.8.3. adequate hand wash facilities; and
  - 18.8.4. the ability to clean and disinfect the procedure area, and clean and sterilize instruments.

- 18.9. A current body art facility permit shall be posted in a prominent and conspicuous area in the body art facility or temporary body art facility where it may be readily observed by clients and the Director.

**19. Inspections and Investigations.**

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

**20. Closing or Restricting Use of a Body Art Facility or Temporary Body Art Facility.**

- 20.1. If the condition or operation of a body art facility or temporary body art facility is creating an imminent health hazard to the public, the Director may:

20.1.1. close the body art facility or temporary body art facility;

20.1.2. close the affected portion of the body art facility or temporary body art facility; and

20.1.3. restrict the use of all or part of the body art facility or temporary body art facility, or its equipment or instruments;

- 20.2. The operator shall restrict public access to the impacted area of any body art facility or temporary body art facility closed or restricted to use by the Director within a reasonable time as ordered by the Director.

- 20.3. An operator may not allow the public to utilize any body art facility or temporary body art facility or portion thereof that has been deemed unfit for use until the Director gives written approval.

**21. Severability.**

If any provision of this rule, 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 rule shall be given effect without the invalidated provision or application.