

Rules and Regulations for BODY ARTIST ESTABLISHMENTS

SECTION 1: DEFINITIONS AND PURPOSE

- 1-101 Purpose: The purpose of these regulations is to establish the safe and sanitary practice of body art, the safe and sanitary physical environment where body art is performed, and the safe and sanitary conditions of equipment utilized in body art procedures.
- 1-102 Definitions
- a) **AFTERCARE** means written instructions given to the client, specific to the body art procedure(s) rendered. These instructions shall include information regarding when to seek medical treatment, if necessary.
 - b) **ANTISEPTIC** means a substance that inhibits growth of bacteria and other microorganisms when applied to the skin (e.g., chlorhexadine gluconate, alcohol, iodophor).
 - c) **APPROVED** means acceptable to Boulder County Public Health (BCPH).
 - d) **BCPH** means Boulder County Public Health, or its authorized agents and employees.
 - e) **BLOODBORNE PATHOGEN** means disease-causing microorganisms that are present in human blood. These pathogens include, but are not limited to: hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
 - f) **BODY ART ESTABLISHMENT** means any location, whether temporary or permanent, where the practice of body art is performed.
 - g) **BODY ART** means the practice of physical body adornment by artists using body piercing and tattooing. This definition does not include piercing of the outer perimeter or lobe of the ear by means of sterilized stud-and-clasp ear piercing systems.
 - h) **BODY ARTIST** means any person who performs body art procedures.
 - i) **BRANDING** means a potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical, or chemical means.
 - j) **CDPHE** means the Colorado Department of Public Health and Environment, or its authorized agents and employees.



- k) **CONTAMINATED** means the presence or reasonably anticipated presence of blood, infectious materials, or other types of impure materials that have corrupted a surface or item through contact.
- l) **CONTAMINATION** means to make unfit for use by the introduction or potential introduction of blood, infectious materials, or other types of impure materials.
- m) **CROSS-CONTAMINATION** means the spread of organisms from a contaminated object or surface to another surface.
- n) **CRS** means Colorado Revised Statutes.
- o) **DISINFECTANT** means an EPA-registered environmental disinfectant proven to be effective against HBV and HIV, or a 1:100 dilution of normal strength household bleach (5.25% sodium hypochlorite) and water made fresh daily and dispensed from a spray bottle.
- p) **DISINFECTION** means to destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces. This is not the same as sterilization.
- q) **EAR PIERCING** means the procedure or practice of puncturing the outer perimeter or lobe of the ear using a pre-sterilized, single-use stud ear piercing system.
- r) **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 permanent body art establishment, mobile body art vehicle, or temporary special event body art facility.
- s) **EXPOSURE CONTROL PLAN** means a written plan outlining the practices and procedures for the safe operation of a body art establishment to address the following areas: client protection and care, exposure to blood protocol, how to eliminate or reduce blood exposures, use of personal protective equipment, engineering controls, contaminated waste management, and record keeping.
- t) **GLOVES** mean covering for the hand, which are disposable and single-use, and are labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy-duty, multi-use, and waterproof.
- u) **HAND SANITIZER** means an approved formulation that includes at least 60% alcohol.



- v) **HECTOGRAPHIC** means a copy made from a prepared gelatin surface to which the original document has been transferred.
- w) **INFECTIOUS WASTE** or **REGULATED WASTE** means blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials; items caked with blood or other potentially infectious materials that can release these materials upon handling; contaminated sharps; and human pathological/anatomical waste.
- x) **INSTRUMENTS** means hand pieces, needles, needle bars, needle tubs, forceps, hemostats, tweezers, pliers, or other implements that may come in contact with a client's body or possibly be exposed to bodily fluids during body art procedures.
- y) **INVASIVE** means entry through the skin or mucosa, either by incision or insertion of an instrument body ornament, or any other means.
- z) **JEWELRY** means any ornament inserted into the body, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold; F-138 or ISO equivalent 5832-1; niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces.
- aa) **MINOR** means an individual who has not attained the age of eighteen years.
- bb) **MOBILE BODY ART ESTABLISHMENT** means a body art establishment that reports to and operates from a permanent body art establishment and is readily moveable; is a motorized, wheeled vehicle; or is a towed, wheeled vehicle designed and equipped to conduct body art procedures.
- cc) **PERMANENT MAKEUP** means inserting or implanting facial cosmetic pigment under the surface of the skin or mucosa in which any color or pigment is applied with a needle, or other means, to produce a permanent or semi-permanent mark visible through the skin and above the jaw line and anterior to the ear and frontal hairline (i.e., the client's face) to include, but not be limited to, application of eyeliner, eye shadow, lips, cheeks, and scars on the face.
- dd) **PERSON IN CHARGE** means the owner, manager, or individual(s) present at the body art establishment who is responsible for the operation at the time of an inspection. If no individual is responsible, then any employed person present is the person in charge. If multiple body artists share operation of the establishment, then each artist shall be considered a person in charge and shall be accountable for all requirements of this regulation with regard to common areas and practices in addition of his/her own separate areas and practices.
- ee) **PIERCING** means puncturing or penetration of the skin or mucosa of a person



and the insertion of jewelry or other adornment in the opening, except that of puncturing the outer perimeter or lobe of the ear with sterilized stud-and-clasp ear piercing systems.

- ff) **PRE-STERILIZED INSTRUMENTS** means those that are commercially sterilized by the manufacturer. Packaging shall bear a legible sterilization lot number, expiration date, and an appropriate sterilization indicator tape.
- gg) **PROCEDURE AREA** means any surface of an inanimate object that contacts the client's skin during a body art procedure and all surfaces where instruments and supplies are placed during a procedure.
- hh) **SCARIFICATION** means an invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.
- ii) **SCULPTING** means a modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
- jj) **SHARPS** mean all objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa including, but is not limited to needles, scalpel blades, and razor blades.
- kk) **SHARPS CONTAINER** means a puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation, and disposal and is labeled with the Universal Biological Hazard Symbol.
- ll) **STERILIZATION** means a process that results in the total destruction of all forms of microbial life, including highly resistant bacterial spores.
- mm) **STERILIZER** means an autoclave that is designed and labeled by the manufacturer, classified as a Class 2 medical instrument sterilizer, and used for the destruction of microorganisms and their spores.
- nn) **TATTOO, TATTOOED, or TATTOOING** means inserting pigment under the surface of the human skin or mucosa by pricking with a needle, or otherwise, to permanently change the color or appearance of the human skin or to produce an indelible mark or figure visible through the human skin.
- oo) **TEMPORARY BODY ART ESTABLISHMENT** means a body art establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.
- pp) **ULTRASONIC CLEANING UNIT** means a piece of equipment approved by BCPH, physically large enough to fully submerge instruments in liquid, which removed all foreign matter from the instruments by means of heat and high



frequency oscillations transmitted through the contained liquid.

- qq) UNIVERSAL PRECAUTIONS mean a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B, and other bloodborne pathogens as defined by the Centers for Disease Control and Prevention (CDC). Under universal precautions, blood and certain body fluids of all individuals are considered infectious.

SECTION 2: MINIMUM REQUIREMENTS FOR BODY ARTISTS

2-201

All body artists shall:

- a) Possess and demonstrate knowledge of bloodborne pathogens, health and safety precautions, disinfection and sterilization techniques, procedures for infection and exposure control required in section 9-901(a), and the Infectious Waste Management Plan required in Section 9-901(b)6.
- b) Provide proof of successful completion of a bloodborne pathogen course within 60 days of hire; must be renewed every year.
- c) Receive vaccination against hepatitis B (BHV) or provide a written statement to the manager or owner of the body art establishment stating that he or she declines the vaccination.

SECTION 3: MINIMUM REQUIREMENTS FOR BODY ART ESTABLISHMENTS

3-301

The body art establishment must have a person(s) in charge at all times who is responsible for the operation of the body art facility.

3-302

The following information on each employee of a body art establishment shall be on file and available for inspection by BCPH.

- a) Full legal name
- b) Home address
- c) Home phone number
- d) Documentation that all employees have attended a bloodborne pathogen training within 60 days of employment.
- e) Documentation that all employees 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 and must comply with Section 2-201(b).

3-303

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

- a) Contract or agreement for sharps disposal and/or other infectious/regulated waste disposal
- b) Spore test log and test results
- c) Client records for 3 years
- d) Manufacturer's information on sterilization equipment
- e) Infection and exposure control written procedures



- f) Establishment license posted in a prominent location

SECTION 4: REPORTING REQUIREMENTS

4-401 All infections, complications, or diseases resulting from any body art procedure that become known to the manager/body artist shall be reported to BCPH by the manager/body artist within 24 hours after discovery.

SECTION 5: CLIENT RECORDS

5-501 The person in charge shall have access to and shall maintain client records on the premise for a minimum of three (3) years. The client records shall be available for review by BCPH.

5-502 The following information shall be documented and used by the body artist to determine the client's suitability for receiving a body art procedure. The client shall be asked to disclose if he/she has any of the following:

- a) Diabetes
- b) Hemophilia
- c) Skin diseases or skin lesions
- d) Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps, or metals
- e) Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting
- f) Any other information that would aid the body artist in the client's body art healing process evaluation
- g) Communicable disease
- h) History of epilepsy, seizures, fainting, or narcolepsy.

5-503 Client consent form for all procedures shall include the following:

- a) Name, address, and current phone number of the client
- b) Date of the procedure
- c) Explanation that body art should be considered permanent
- d) The type and location of the body art
- e) Source/manufacturer and lot number of ink, pigment, or dyes if any are used in a procedure

5-504 Aftercare instructions must contain the documentation that both written and verbal instructions regarding risks, outcome, and aftercare were given to the client, including:

- a) Name, address, and phone number of the establishment and the name of the body artist who performed the procedure.
- b) Directions on when to consult a physician to include signs of infection, allergic reaction, and expected duration of healing.
- c) Detailed description of how to care for the body art procedure site.
- d) Possible side effects from the procedure.
- e) How to contact BCPH regarding a concern with a body art procedure.
- f) Indication that this facility is licensed by BCPH.



SECTION 6: CONSTRUCTION STANDARDS AND PLAN REVIEW

- 6-601 All new, remodeled, temporary, and mobile body art establishments require BCPH-approved plans. These plans must be approved prior to temporary events, operation of a mobile unit, or commencing work, and in advance of the application for any building, plumbing, and electrical permits.
- 6-602 BCPH will set the fees for plan review so as to recover all costs of BCPH's services that are associated with the plan review.
- 6-603 All facilities shall be constructed and completed in accordance with all applicable local codes, including the layout of the reception area, the procedure areas, the cleaning and sterilization area, and the toilet facilities.

SECTION 7: FACILITY AND OPERATIONAL REQUIREMENTS

- 7-701 All procedure areas and instrument cleaning areas shall have floors, walls, and ceilings constructed of smooth, nonabsorbent, and easily cleanable material. Outer openings shall provide protection against contamination from dust and other contaminants (e.g. rodents, insects, etc.).
- 7-702 Toilet facilities shall be provided and shall be made available to both patrons and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, nonabsorbent, and easily cleanable material.
- 7-703 The premises shall be maintained clean and in good repair.
- 7-704 At least fifty-foot candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas. At least twenty-foot candles of artificial light shall be available in all other areas.
- 7-705 All surfaces, including but not limited to counters, tables, equipment, chairs, recliner, shelving, and cabinets in the procedure area and instrument cleaning room, shall be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.
- 7-706 Hand sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Hand sinks shall be easily accessible to each procedure area and shall be located so that one artist does not potentially contaminate another artist's area. Each hand sink shall be supplied with soap and disposable towels. In addition, a hand sink shall be provided in the biohazard room and each toilet room.
- 7-707 Distinct, separate areas shall be used for cleaning equipment, wrapping/packaging equipment, and for the handling and storage of sterilized equipment.



- 7-708 Instrument cleaning sinks; hand-washing sinks; and where provided, utility sinks, shall be separate and shall only be used for their designated purpose.
- 7-709 Water shall be supplied from a source approved by CDPHE.
- 7-710 Sewage, including liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated, and maintained according to law.
- 7-711 Refuse, excluding infectious wastes, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.
- 7-712 All facilities shall have a waiting area that is separate from the body art procedure area and separate from the instrument cleaning, sterilization, and storage areas.
- 7-713 Reusable cloth items shall be mechanically washed with detergent in water at a minimum of 140°F, unless an approved disinfectant is applied in the rinse cycle or the dryer uses heat above 140°F as specified by the manufacturer. Clean cloth items shall be stored in a clean, dry environment until used. Soiled laundry shall be stored in a nonabsorbent container until removed for laundering and shall be stored separate from clean cloths.
- 7-714 Animals shall not be allowed in the body art facilities. Fish aquariums shall be allowed in waiting rooms and non-procedural areas. Service animals shall be allowed in procedure areas if necessary.
- 7-715 All chemicals shall be labeled with contents, properly stored, and used according to label instructions.
- 7-716 All body art establishments shall be completely separated from areas used for human habitation, food preparation, or other such activities that may cause potential contamination of work surfaces.
- 7-717 Utensil washing and utility sinks with threaded faucets shall be equipped with backflow prevention devices approved by BCPH (possibly local building department).
- 7-718 Sharps and infections/regulated waste must be handled in a manner consistent with CRS §25-15-4-1.
- a) Discarded sharps, including needles and/or needle bars, shall be immediately disposed of in an easily accessible sharps container or disposed of by an alternative method approved by BCPH. Needles shall not be removed from bars prior to disposal in a sharps container unless an alternate method has been approved by BCPH.



- b) Infectious/regulated waste other than sharps shall be placed in impervious, tear-resistant plastic bags, which are red in color and marked with the Universal Biological Hazard Symbol.
- c) Sharps and infectious/regulated waste shall be disposed of by an approved, off-site treatment facility, or waste may be treated on-site if the treatment complies with all federal, state, and local requirements.

SECTION 8: TEMPORARY AND MOBILE BODY ART REQUIREMENTS

8-801 All provisions of these regulations shall apply, with the following exceptions:

- a) Hand-wash facilities shall be easily accessible to each procedure area and designated for use by artists only. Hand-wash facilities shall comply with Section 7-706, or temporary hand-wash facilities for temporary events shall consist of soap, single-use paper towels and an adequate supply of potable water dispensed through a continuously pressurized mixing valve. Wastewater shall be collected and disposed of in a sanitary manner.
- b) Body artists may bring pre-sterilized instruments, or instruments which have been sterilized at another location with documentation showing a negative spore test result within the previous 30 days. On-site sterilization units may be used and shall comply with Section 10-1003.

8-802 After the last procedure is completed, all procedure areas shall be cleaned and disinfected.

8-803 Mobile body art establishments must comply with the following requirements:

- a) Body art performed pursuant to this section shall be performed from an enclosed vehicle.
- b) Doors shall be self-closing and tight fitting. Operable windows shall have tight-fitting screens.
- c) If there is not an onboard restroom, the mobile vehicle shall be operated within two hundred feet of a public restroom.
- d) Mobile body art establishments must receive an initial inspection at a location specified by BCPH prior to use to ensure compliance with structural requirements. Additional inspections may be performed at any event where the mobile body art establishment is scheduled to operate.
- e) Mobile vehicles lacking onboard cleaning and sterilization equipment shall be associated with an approved permanent facility. Such vehicles shall have onboard sufficient instruments, equipment, and supplies to perform procedures.



SECTION 9: INFECTION AND EXPOSURE CONTROL WRITTEN PROCEDURES

9-901

Written procedures

- a) Every mobile, temporary, or permanent body art establishment shall have and comply with written procedures for infection and exposure control. All procedures developed for the written plan shall comply with Occupational Safety and Health Administration, Centers for Disease Control and Prevention standards, and all local and state regulations.
- b) These written procedures shall include, but are not limited to:
 1. Instrument cleaning and sterilization.
 2. Cleaning and disinfection of the procedure area(s), as required in Section 11-1102(g).
 3. Universal precautions procedures.
 4. Post-exposure procedures.
 5. Hand-washing procedures.
 6. Infectious waste management plan, consistent with CRS §25-15-401, including segregation, identification, packaging, storage, transport, treatment, disposal, and contingency planning for blood spills or loss of containment of infectious/regulated waste.
 7. Chemical storage and safety.

SECTION 10: INSTRUMENTS/STERILIZATION

All disposable instruments that penetrate body tissue shall be properly sterilized and stored appropriately to prevent cross-contamination. All other instruments shall be cleaned and disinfected after each use. Single-use items shall not be used on more than one client for any reason. After use, all needles, bars, razors, and other sharps shall be immediately disposed of in approved sharps containers or another method approved by BCPH.

10-1001

Instrument Cleaning

- a) Used instruments that are not required to be disposed of immediately shall be placed in an impervious or rigid plastic-covered container and soaked in an instrument-soaking solution until cleaning can be performed. The solution shall be changed as recommended by the manufacturer.
- b) All instruments placed in the procedure area shall be repackaged and resterilized.
- c) Employees shall wear heavy-duty gloves while cleaning instruments.
- d) Instruments shall be properly disassembled for cleaning according to manufacturer's recommendations.
- e) All instrument components shall be cleaned, either manually or in an ultrasonic cleaner with lid in place, using the appropriate cleaning agent specific to the type of cleaning performed, following manufacturer's specifications.



f) Organic matter must be removed prior to disinfection.

10-1002 Instrument Packaging/Wrapping

- a) Employees shall change into a new pair of gloves before packaging/wrapping instruments.
- b) Instruments shall be wrapped, and each package shall be sealed with indicator tape.
- c) An indicator strip shall be contained in or placed inside all packages, and must be placed in the area of the pack considered to be least accessible to steam penetration.
- d) All packages shall be labeled with the time and date of sterilization. Packaged instruments must be discarded or repackaged and re-sterilized six months after original sterilization date.

10-1003 Instrument Sterilization

- a) All facilities must use a sterilizer approved by BCPH.
- b) Sterilizers shall be used according to manufacturer's recommendations, with appropriate adjustments for altitude.
- c) The operator's manual for the sterilizer shall be available on the premise.
- d) The sterilizer shall be cleaned and maintained according to manufacturer's specifications.
- e) A sterilizer load log shall be maintained for a minimum of three years at the facility and made available for inspection. The log shall contain the following documentation for each load:
 - 1. Description of instruments contained in the load.
 - 2. Date of sterilization load and time or other unique identifier if more than one load is processed during a single day.
 - 3. Sterilizer cycle time and temperature.
 - 4. Indication of proper sterilization of instruments, as evidenced by the appropriate color indicator change within each package. Indicator used shall be compatible with the sterilization process being used.
 - 5. Action taken when appropriate color indicator change did not occur.
 - 6. Name of person who ran sterilizer and name of person who checked outcome.
- f) Sterilizer Monitoring
 - 1. Sterilizer monitoring shall be performed at least monthly (unless more frequent monitoring is specified by the manufacturer) by using a commercial biological monitoring (spore) system.



2. All biological indicators shall be analyzed by a laboratory independent from the establishment.
3. Biological indicator test results shall be maintained and available on the premises for a minimum of three (3) years and must be available for inspection at all times.

10-1004 Instrument Storage

- a) Hands shall be washed prior to handling sterilized instrument packs.
- b) After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterile instruments.

10-1005 Single-Use Items

- a) Single-use items shall not be used on more than one client and shall be disposed of immediately after the procedure.
- b) Contaminated needles, bars, razors, and other sharps shall be disposed of immediately in approved sharps containers or another method approved by BCPH.

10-1006 Instrument Recall

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

SECTION 11: BODY ART PROCEDURES

11-1101 Prohibitions include:

- a) The reuse of needles or bars in any procedure; only single-use needles will be used for body art.
- b) Procedures performed on any person who is noticeably impaired by drugs or alcohol.



- c) Smoking, eating, and drinking in the procedure and/or instrument cleaning areas.
- d) Procedures performed on skin surfaces that have sunburn, rash, pimples, jaundice, boils, infections, moles, or manifest any evidence of unhealthy conditions.
- e) No body artist shall perform a body art procedure upon a minor unless the body artist has received express written consent from the minor's parent or guardian.

11-1102

The following procedures shall be practiced by all body artists:

- a) Thoroughly wash hands with soap and warm water for at least 15 seconds before and after serving each client or after changing gloves. Hand washing must occur between all interruptions of service, not just before and after the procedure. Following thorough washing, hands shall be dried using clean, disposable paper towels. An approved hand sanitizer may be used in lieu of hand washing between glove changes for an individual body art procedure if the employee does not leave his or her work area. Wear new, clean, disposable examination gloves for each client and for each procedure. If a glove is pierced, torn, or contaminated, both gloves must be properly removed and discarded.
- b) Change drapes, lap cloths, or aprons between each client. If multi-use, these items shall be washed according to Section 7-713 prior to reuse.
- c) Wear new, clean gloves while assembling instruments and supplies to be used in the procedure. All sterilized instruments shall remain in the sterile packages until opened in front of the client.
- d) Dispense all substances used in the procedures from containers in a manner to prevent contamination of the unused portion. For example, substances from multi-use containers shall be dispensed into single-use portions and shall be applied to only one client.
- e) Discard single-use ointment tubes, applicators, and supplies after the procedure.
- f) All sharps must be immediately placed in an approved sharps container. Sharps containers should be within an arms reach of the body artist, and used, maintained, and stored in a manner to avoid possible client or employee exposure.
- g) After each client, use a disinfectant according to label instructions and a single-use paper towel to wipe all surfaces after the procedure. Surfaces include,



but are not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets, and supplies.

- h) If spray bottles are used to dispense liquids, the liquid shall be sprayed onto a single-use wipe rather than directly onto the client.

11-1103

Procedures Specific to Tattooing

- a) The use of hectographic or single-use stencils shall be required for applying a tattoo outline to the skin, except that, when the design is drawn free-hand, non-toxic single-use markers or other single-use devices shall be used and discarded after use. Multi-use stencils are prohibited.
- b) Before placing the design on the skin, the body artist shall clean the area with soap and, if necessary, shave off any hair with a disposable, single-use safety razor. The area shall be treated with an antiseptic prior to stencil application.
- c) Inks, dyes, or pigments in single-use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure.
- d) If inks, dyes, or pigments are prepared by the body artist, a list of ingredients and the procedure used in the production must be on file for review by the inspector.
- e) Excess ink, dye, or pigment applied to the skin during tattooing shall be removed with a clean single-use product and properly disposed of immediately.
- f) After the procedure is completed, the area shall be covered with clean dressing and held in place with a suitable skin tape.

11-1104

Procedures Specific to Body Piercing

- a) All body piercing needles shall be sterile and single-use.
- b) Only sterilized jewelry meeting BCPH's definition of jewelry can be used for an initial piercing and must be free of nicks, scratches, or irregular surfaces.
- c) Stud-and-clasp systems shall be used according to manufacturer's instructions and shall only be used on the earlobe or the outer perimeter of the ear.

SECTION 12: INSPECTIONS

12-1201

Agents of BCPH, after proper identification, shall be permitted to enter any body art establishment for the purpose of making inspections, investigating complaints, and determining compliance with these regulations. Such inspections shall be conducted as often as necessary throughout the year to ensure compliance with these regulations. Agents of BCPH shall only enter a procedure area with the client's consent during a procedure.



12-1202 The agents shall inspect and document any violations that exist. A copy of the completed report shall be furnished to the person in charge by the end of the next workday following conclusion of the inspection.

12-1203 It is unlawful for any person to interfere with BCPH in the performance of its duties.

SECTION 13: LICENSE REQUIREMENTS

13-1301 a) No person, firm, partnership, joint venture, association, business trust, corporation, or any organized group of persons may operate a body art establishment in Boulder County, Colorado, unless it has received a body art establishment license from BCPH.

b) All individual body art establishments must have a separate license.

c) The license will be valid for the calendar year in which the license was issued and may be renewed annually.

d) A license for a body art establishment shall not be transferable from one owner or establishment to another.

e) A current body art establishment license shall be posted in a prominent and conspicuous area where clients may readily observe it.

f) BCPH will set the annual license fee, which may be no greater than required to offset the actual costs of BCPH's services associated with administering the body art program.

g) For temporary events, body art establishment applicants/operators shall obtain a temporary event license for each temporary event. Temporary events shall not exceed 14 consecutive days. BCPH will set the temporary event license fee so as to recover all costs of BCPH's services that are associated with the particular temporary event that the license covers.

SECTION 14: ENFORCEMENT

14-1401 a) Establishments in operation at the time of the enactment of this code shall be required to make application to BCPH and must comply with these regulations. Establishments that continue to operate without proper licenses from the BCPH, or which operate in violation of these regulations, will be subject to the penalty provisions under Section 14 of this regulation.

b) BCPH, after investigation and notification of violation may assess penalty fees for violations of this regulation not to exceed \$250 for each day of violation, as specified in CRS §25-4-2102.



14-1402

Suspension or Revocation of Licenses

- a) Licenses issued under the provisions of this regulation may be suspended temporarily by BCPH for failure of the holder to comply with the requirements of this regulation.
- b) Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this regulation, the operator may be notified in writing that an administrative hearing with BCPH has been scheduled to temporarily revoke the holder's or operator's license. The hearing shall provide the holder or operator with an opportunity to be heard. Following the hearing, BCPH has the discretion to temporarily suspend or revoke the license.
- c) Any person whose license has been suspended may, at any time, make application for reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that specifies that the conditions causing suspension have been corrected, and the submission of the appropriate re-inspection fees, BCPH shall re-inspect the body art establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this regulation, the license may be reinstated.
- d) For repeated or serious violations of any of the requirements of this regulation or for interference with BCPH personnel in the performance of their duties, licenses may be permanently revoked after a hearing. Before taking such action, BCPH shall notify the license holder or operator in writing, stating the reasons for which the license is subject to revocation and advising the license holder or operator of the requirements for request for a hearing. A license may be suspended for cause, pending its revocation or a hearing relative thereto.
- e) The hearings provided for in this section must be conducted by BCPH at a time and place designated by BCPH. Based upon the record of hearing, BCPH shall make a finding and may sustain, modify, or rescind any official notice or order considered after the hearing. A written report of the hearing decision must be furnished to the license holder or operator by BCPH.

SECTION 15: VARIANCE PROCEDURE

15-1501

- a) Any body art establishment may request a variance from any requirement of these rules and regulations when such an establishment believes that the requirement results in an undue economic hardship or when it is believed a standard may not apply to the specific situation.
- b) Requests shall be submitted in writing to BCPH and shall include the name and location of the business, the name of the licensee or prospective licensee when applicable, and the section for which a variance is being requested. Evidence of undue economic hardship should include estimates and costs for



compliance. If it is believed that a standard may not apply to the specific situation, an explanation shall be included.

- c) Any person who requests a variance for the provisions of these regulations shall have the burden of supplying BCPH with information that demonstrates the conditions exist which warrant the granting of a variance. All doubts shall be resolved in favor of denial.
- d) BCPH may grant a variance if:
 - 1. Such variance is consistent with the purpose and intent of the act and these regulations; and
 - 2. It is consistent with the protection of the public health; or
 - 3. The circumstances of the body art establishment are unique; or
 - 4. The cost of compliance is so great that it would threaten economic viability of the body art establishment or the body art establishment would be in grave jeopardy if compliance were enforced; or
 - 5. The damage to the retail food establishment's economic viability is in fact caused by compliance.
- e) A variance shall expire upon a change of circumstances from those supporting the variance or upon a change of ownership of the body art establishment.
- f) Any body art establishment for which a variance has been denied may appeal such denial by requesting a hearing conducted by the BCPH executive director.

Adopted by Board of Health: _____ December 14, 2009 _____

Effective Date: _____ January 1, 2010 _____

