



# Body Art Regulations

Revised October 12, 2020

## SECTION 1: PURPOSE AND DEFINITIONS

- 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 conducted in Boulder County, Colorado.
- 1-102 *Definitions.*
1. *ADA* means the Americans with Disabilities Act.
  2. *AFTERCARE* means written instructions given to the client, specific to the body art procedure(s) rendered. These instructions must include information regarding when to seek medical treatment, if necessary.
  3. *ANTISEPTIC* means a substance that inhibits growth of bacteria and other microorganisms when applied to the skin (e.g., chlorhexidine gluconate, alcohol, iodophor).
  4. *APP* means the Association of Professional Piercers.
  5. *APPROVED* means acceptable to Boulder County Public Health.
  6. *ASTM* means American Society for Testing and Materials.
  7. *BCPH* means Boulder County Public Health or its authorized agents and employees.
  8. *BLOODBORNE PATHOGEN* means disease-causing microorganisms that are present in human blood, which include but are not limited to HBV, HCV, and HIV.
  9. *BODY ART ESTABLISHMENT* means any location, whether temporary or permanent, including all types of events and facilities, where the practice of body art is performed. A body art establishment is temporary where it 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; all other establishments will be considered permanent.
  10. *BODY ART* or *BODY ART PROCEDURE* means the practice of physical body adornment by artists using body piercing and tattooing.
  11. *BODY ARTIST* means any person who performs body art procedures.
  12. *BRANDING* means a potentially invasive procedure in which a permanent mark is burned into or onto the skin using temperature, mechanical, or chemical means.
  13. *CDC* means the national Centers for Disease Control and Prevention.
  14. *CDPHE* means the Colorado Department of Public Health and Environment or its authorized agents and employees.
  15. *CLIENT* means any person who is the subject of a body art procedure.
  16. *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.
  17. *CONTAMINATION* means to make unfit for use by the introduction or potential introduction of blood, infectious materials, or other types of impure materials.
  18. *CRITICAL ITEM VIOLATION* means a provision of these regulations that, if in non-compliance, has the potential for immediate impact on public health by resulting in infection of clients or staff of a body art establishment or disease transmission among clients or staff of a body art establishment (i.e. immediate health risk; positive spore test), as determined by BCPH.
  19. *CROSS-CONTAMINATION* means the spread of organisms from a contaminated object or surface to another surface.
  20. *C.R.S.* means the Colorado Revised Statutes.
  21. *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. BCPH may prohibit the use of any particular disinfectant, as deemed necessary by BCPH in its sole discretion.
22. *DISINFECTION* means the use of a disinfectant to destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces. This is not the same as sterilization.
  23. *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.
  24. *EPA* means the United States Environmental Protection Agency.
  25. *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 or mobile body art establishment.
  26. *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.
  27. *GLOVES* mean covering for the hand, which are disposable and single-use and are labeled for surgical or examination purposes.
  28. *HAND SANITIZER* means an approved formulation that includes at least 60% alcohol.
  29. *HBV* means hepatitis B virus.
  30. *HBC* means hepatitis C virus.
  31. *HECTOGRAPHIC* means a copy made from a prepared gelatin surface to which the original document has been transferred.
  32. *HIV* means human immunodeficiency virus.
  33. *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.
  34. *INSTRUMENTS* mean hand pieces, needles, needle bars, needle tubs, forceps, hemostats, tweezers, pliers, cartridges, drive bars, and grip sleeves or other implements that may come in contact with a client's body or possibly be exposed to bodily fluids during body art procedures.
  35. *INVASIVE* means entry through the skin or mucosa, either by incision or insertion of an instrument body ornament, or any other means.
  36. *ISO* means the International Organization for Standardization.
  37. *JEWELRY* means any ornament inserted into the body. For initial piercings, the MINIMUM standards for jewelry are adopted from the APP and are as follows: Steel that is ASTM F138 compliant or ISO 5832-1 compliant; ISO 10993-6, 10993-10, and/or 10993-11 compliant; Titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant; ASTM F67 compliant or ASTM F1295 compliant; Solid 14 karat or higher nickel- and cadmium-free yellow, white, or rose gold; Solid nickel-free platinum alloy; Niobium (Nb); Fused quartz glass, lead-free borosilicate, or lead-free soda-lime glass; Polymers (plastics) as follows: Any plastic material that is ISO 10993-6, 10993-10, and/or 10993-11 compliant and/or meets the USP Class VI material classification; Tygon® Medical Surgical Tubing ND 100-65 or ND 100-80, PTFE that is ASTM F754 compliant; all ASTM and ISO implant standard biomaterials. All threaded or press-fit jewelry must have internal tapping (no threads on posts). For body jewelry purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds, and metals must have a consistent mirror finish.
  38. *MINOR* means an individual who has not attained the age of eighteen (18) years.
  39. *MOBILE BODY ART ESTABLISHMENT* means a body art establishment that may or may not report to and operate from a permanent body art establishment; is readily moveable; is a

- motorized or towed, wheeled vehicle; and is designed and equipped for the practice of body art.
40. *OSHA* means the national Occupational Safety and Health Administration.
  41. *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, the application of eyeliner, eye shadow, lips, cheeks, and scars on the face.
  42. *PERSON IN CHARGE* means the owner, manager, or individual 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 may be considered to be the person in charge. If multiple body artists share operation of the establishment, then each artist will be considered a person in charge and will be accountable for all requirements of this regulation with regard to common areas and practices in addition to their own separate areas and practices.
  43. *PIERCING* means the puncturing or penetration of a person's skin or mucosa and the insertion of jewelry or other adornment in the opening.
  44. *PRE-STERILIZED INSTRUMENTS* mean those that are commercially sterilized by the manufacturer. The packaging must bear a legible sterilization lot number, expiration date, and an appropriate sterilization indicator tape.
  45. *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.
  46. *PTFE* means polytetrafluoroethylene.
  47. *REGULATED WASTE* – see *INFECTIOUS WASTE* above.
  48. *SCARIFICATION* means an invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.
  49. *SCULPTING* means a modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
  50. *SERVICE ANIMAL* means a dog or other animal that is individually trained to do work or perform tasks for a person with a disability, as the term is defined in Section 36.104 of Title 28, Code of Federal Regulations, as may be amended, pursuant to and in accordance with the ADA. Pursuant to the ADA, emotional support animals do not meet the definition of "service animal."
  51. *SHARPS* mean all objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa, including but not limited to needles, scalpel blades, disposable razors, and razor blades.
  52. *SHARPS CONTAINER* means a puncture-resistant, leakproof, rigid container that can be closed for handling, storage, transportation, and disposal and is labeled with the Universal Biological Hazard Symbol.
  53. *STERILIZATION* means a process that results in the total destruction of all forms of microbial life, including highly resistant bacterial spores.
  54. *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.
  55. *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.
  56. *TEMPORARY BODY ART ESTABLISHMENT* – see *BODY ART ESTABLISHMENT*.
  57. *ULTRASONIC CLEANING UNIT* means a piece of equipment approved by BCPH, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of heat and high frequency oscillations transmitted

- through the contained liquid.
58. *UNIVERSAL PRECAUTIONS* mean a set of precautions designed to prevent transmission of HIV, HBV, and other bloodborne pathogens, as defined by the CDC. Under universal precautions, blood and certain bodily fluids of all individuals are considered infectious.
59. *USP* means United States Pharmacopeia.

## **SECTION 2: MINIMUM REQUIREMENTS FOR BODY ARTISTS**

2-201 All body artists must:

- 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 sixty (60) days of hire, which must be renewed every year.
- c) Receive vaccination against HBV or provide a written statement to the manager or owner of the body art establishment stating that the body artist declines the vaccination.
- d) Body artists must be at least eighteen (18) years of age. A body artist under the age of 18 years: 1) will be considered an apprentice; 2) require their guardian's written consent to work; and 3) must, at all times that the apprentice is performing body art procedures on clients, be supervised by a body artist who is over the age of 18 years. Clients must be made aware that the individual performing the body art is an apprentice because they are a minor.

## **SECTION 3: MINIMUM REQUIREMENTS FOR BODY ART ESTABLISHMENTS**

3-301 The body art establishment must have at least one (1) person in charge at all times who is responsible for the operation of the body art establishment.

3-302 The following information on each body artist of a body art establishment must be on file and available for inspection at all times by BCPH.

- a) Full legal name.
- b) Home address.
- c) Home or mobile phone number.
- d) Email address.
- e) Documentation that all employees have attended a bloodborne pathogen training within sixty (60) days of employment.
- f) Documentation that all employees have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering must be included as a pre-employment requirement and must comply with Section 2-201(c).

3-303 The person in charge must have access to the following information and it must be available on the premises of the body art establishment for review by BCPH:

- a) Contract or agreement for sharps disposal and/or other infectious/regulated waste disposal.
- b) Available spore test results via paper or electronic methods.
- c) All client records for the past three (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 Whenever a body artist or other body art establishment employee learns of or suspects the possible or actual infection, complication, or disease that is resulting from a body art

procedure, they must report it to BCPH within twenty-four (24) hours after discovery, including all client allegations or reports.

## **SECTION 5: CLIENT RECORDS**

- 5-501 All client records of body art establishments must be maintained on the body art establishment premises for a minimum of three (3) years, and the person in charge must have access to and must make said client records available to BCPH for review, upon request.
- 5-502 The following information must be documented and used by all body artists to determine their clients' suitability for receiving body art procedures. All clients must be asked to disclose if they have 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 forms for all procedures must include the following:
- a) Client's name, address, email, and current phone number.
  - b) Date of body art procedure.
  - c) Warning that body art should be considered permanent.
  - d) Type and location of the body art.
  - e) Source/manufacturer and lot numbers of all inks, pigments, and dyes to be used in the body art procedure, if any.
- 5-504 Aftercare instructions must contain documentation that both written and verbal instructions regarding body art risks, outcome, and aftercare were given to the client and must include:
- a) Name, address, and phone number of the body art establishment.
  - b) Name of the body artist who performed the body art procedure.
  - c) Information and directions on when to consult a physician, including signs of infection, allergic reaction, and expected duration of healing.
  - d) Detailed description of how to care for the body art procedure site, including but not limited to: proper handwashing prior to handling, cleaning, and caring for the body art procedure site; and instructions on how to clean bed linens and bath towels used throughout the healing period.
  - e) Potential side effects from the body art procedure.
  - f) How to contact BCPH regarding body art procedure concerns.
  - g) Verification that the body art establishment is licensed by BCPH.

## **SECTION 6: CONSTRUCTION STANDARDS AND PLAN REVIEW**

- 6-601 All new, remodeled, temporary, and mobile body art establishments must have BCPH-approved plans. The plans must be approved prior to any temporary events, operation of a mobile unit, or commencement of body art work, as well as prior to applying for any building, plumbing, or electrical permits.
- 6-602 Plan review fees will be set by BCPH to recover all costs of BCPH services associated with the plan review.

- 6-603 All body art establishments must be constructed and completed in accordance with all applicable local codes pertaining to the layout of all reception areas, procedure areas, cleaning and sterilization areas, and toilet facilities.

## **SECTION 7: BODY ART ESTABLISHMENT FACILITY AND OPERATIONAL REQUIREMENTS**

- 7-701 All body art procedure areas and instrument cleaning areas must have appropriate floors, walls, and ceilings that are constructed of smooth, nonabsorbent, and easily cleanable material. Openings to the outside must include protection against contamination from dust and other contaminants (e.g. rodents, insects, etc.).
- 7-702 Toilet facilities must be provided and made available to all clients and employees during all business hours. Floors and walls within toilet facilities must be constructed of smooth, nonabsorbent, and easily cleanable material.
- 7-703 The premises must be maintained clean and in good repair.
- 7-704 At least 50-foot candles of artificial light must be provided at the level where body art procedures are performed and in all instrument cleaning and sterilization areas. At least 20-foot candles of artificial light must be available in all other areas.
- 7-705 All surfaces, including but not limited to counters, tables, equipment, chairs, recliners, shelving, and cabinets in all procedure areas and instrument cleaning rooms, must be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.
- 7-706 Hand sinks must be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Hand sinks must be easily accessible to each procedure area and must be located so that one body artist does not potentially contaminate another body artist's area. Each hand sink must be supplied with soap and disposable towels. Additionally, a hand sink must be provided in the biohazard room and in each toilet room.
- 7-707 Separate and distinct areas must be used for cleaning equipment, wrapping/packaging equipment, and the handling and storage of sterilized equipment.
- 7-708 Instrument cleaning sinks; handwashing sinks; and where provided, utility sinks, must be separate and may only be used for their designated purpose.
- 7-709 Water must be supplied from a source that's been approved by CDPHE.
- 7-710 Sewage, including liquid wastes, must be discharged to a sanitary sewer or to a sewage system that is constructed, operated, and maintained according to all applicable laws, regulations, codes, and ordinances.
- 7-711 Refuse, excluding infectious waste, must 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 must have a waiting area that is separate from all body art procedure areas and separate from all instrument cleaning, sterilization, and storage areas.
- 7-713 Reusable cloth items must be mechanically washed with detergent in water that is at least 140°F, unless a disinfectant is applied in the rinse cycle or the dryer uses heat above 140°F, as specified by the manufacturer. Clean cloth items must be stored in a clean, dry environment

until used. Soiled laundry must be stored in a nonabsorbent container until removed for laundering and must be stored separate from clean cloths.

- 7-714 Animals are not allowed in body art establishments, with the exception of service animals, which must be allowed in procedure areas, as required by law. Fish aquariums are allowed in waiting rooms and non-procedural areas.
- 7-715 All chemicals must be labeled with contents, properly stored, and used according to manufacturer's instructions.
- 7-716 All body art establishments must be completely separated from any 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 must be equipped with backflow prevention devices that have been approved by BCPH, which may also be subject to the additional approval of the jurisdictional local building department.
- 7-718 Sharps and infectious waste:
- a) Sharps and infectious/regulated waste must be handled, treated, and disposed of in accordance with C.R.S. §25-15-4-1, *et seq.*, as amended.
  - b) Discarded sharps, including needles and razors, must be immediately disposed of in an easily accessible sharps container or disposed of by an alternative method that is approved by BCPH. Needles must not be removed from bars prior to disposal in a sharps container unless an alternate method has been approved by BCPH.
  - c) Sharps containers must not be filled past the rim or be otherwise overflowing. All sharps must be immediately placed in an approved sharps container. Sharps containers should be within an arm's reach of the body artist, and must be used, maintained, and stored in a manner that avoids possible client or employee exposure.
  - d) All infectious or regulated waste other than sharps must be placed in impervious, tear-resistant plastic bags that are the color red and marked with the universal biohazard symbol.
  - e) Sharps and infectious or regulated waste must be disposed of by an approved, off-site treatment facility, or the waste may be treated onsite if the treatment complies with all federal, state, and local laws, regulations, codes, and ordinances.

## **SECTION 8: TEMPORARY & MOBILE BODY ART ESTABLISHMENT REQUIREMENTS**

- 8-801 All provisions of these regulations shall apply, with the following exceptions:
- a) Handwash facilities must be easily accessible to each procedure area and designated for use by body artists only. Handwash facilities must comply with Section 7-706, except that temporary handwash facilities for temporary events must consist of soap, single-use paper towels, and an adequate supply of potable water dispensed through a continuously pressurized mixing valve.
  - b) Wastewater must be collected and disposed of in a sanitary manner. It must be drained to a retention tank at least 15% larger than the potable water storage capacity of the unit and must be delivered to the retention tank by means of one of more sinks or other approved plumbing fixtures and a sealed drainpipe. Wastewater must be discharged from the waste retention tank to an approved sewage disposal facility and flushed as often as necessary to maintain sanitary conditions. The potable water tank inlet and wastewater tank outlet must be permanently fitted in a manner to preclude the connection of a potable water hose to the wastewater tank drain or a wastewater drain hose to the potable water tank inlet.

- c) Body artists may use pre-sterilized instruments, which are instruments that were sterilized at another location and include documentation showing a negative spore test result within the previous thirty (30) days. Onsite sterilization units may be used but shall comply with Section 10-1003.

8-802 After the last body art procedure is completed, all procedure areas must be appropriately cleaned and disinfected.

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

- a) All body art performed pursuant to this section must be performed in an enclosed vehicle.
- b) The vehicle's doors must be self-closing and tight-fitting. Operable windows must have tight-fitting screens.
- c) If there is no onboard restroom, the mobile vehicle must be located within two hundred feet (200') of a public restroom.
- d) All mobile body art establishments must receive an initial inspection at a location specified by BCPH prior to use in order 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 that lack onboard cleaning and sterilization equipment must be associated with an approved, permanent body art establishment. Such vehicles must have sufficient instruments, equipment, and supplies onboard to perform procedures in accordance with these regulations and all applicable laws.

## **SECTION 9: INFECTION AND EXPOSURE CONTROL WRITTEN PROCEDURES**

9-901 *Written procedures*

- a) Every mobile, temporary, and permanent body art establishment must draft and comply with written procedures for infection and exposure control developed in compliance with all applicable OSHA and CDC standards and local and state laws, regulations, codes, and ordinances.
- b) The written procedures must include, but are not limited to, the following, and must align with applicable requirements that are outlined elsewhere within these regulations:
  1. Instrument cleaning and sterilization.
  2. Cleaning and disinfection of procedure areas.
  3. Universal precautions procedures.
  4. Post-exposure procedures.
  5. Handwashing procedures.
  6. Infectious waste management plan that is consistent with C.R.S. §25-15-401, as amended, including segregation, identification, packaging, storage, transport, treatment, disposal, and contingency planning for blood spills or loss of containment of infectious or regulated waste.
  7. Chemical storage and safety.

## **SECTION 10: INSTRUMENTS/STERILIZATION**

All disposable instruments that penetrate body tissue must be properly sterilized and appropriately stored to prevent cross-contamination. All other body art instruments must be cleaned and disinfected after each use. Single-use items may not be used on more than one client for any reason. After use, all needles, bars, razors, and other sharps must 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 must be placed in an impervious or rigid plastic-covered container and soaked in an instrument-soaking



solution until proper cleaning can be performed. The solution must be changed as recommended by the manufacturer.

- b) All instruments placed in the procedure area must be properly repackaged and re-sterilized.
- c) Employees must wear heavy-duty gloves while cleaning instruments.
- d) Instruments must be properly disassembled for cleaning according to manufacturer's recommendations.
- e) All instrument components must 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 and following manufacturer's specifications.
- f) In all rooms where clean instruments will be handled, ultrasonic cleaners must not be operated at any time that the sterile packages are being handled. The operation of ultrasonic cleaners in procedure areas is prohibited.
- g) Organic matter must be removed prior to disinfection.
- h) All reusable instruments must be cleaned and sterilized after each use in the instrument cleaning room, and the instruments must be:
  - 1. Soaked in an enzymatic or other appropriate solution.
  - 2. Scrubbed to remove gross debris.
  - 3. Rinsed and inspected.
  - 4. Processed through an ultrasonic cycle.
  - 5. Rinsed.
  - 6. Dried.
  - 7. Inspected.
  - 8. Sterilized.

10-1002

*Instrument Packaging/Wrapping*

- a) All employees must change into a new pair of gloves before packaging or wrapping any instruments.
- a) An indicator strip must 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.
- b) Instruments with hinges, such as hemostats and pliers, must be placed in packages for sterilization in the open position to ensure proper sterilization.
- c) All packages must be labeled with the time and date of sterilization. Packaged instruments must be discarded or repackaged and re-sterilized six (6) months after the original sterilization date.

10-1003 *Instrument Sterilization*

- a) All facilities must use a sterilizer approved by BCPH.
- b) Sterilizers must be used according to manufacturer's recommendations, with appropriate adjustments for altitude.
- c) The operator's manual for the sterilizer must be available on the premises of the body art establishment.
- d) The sterilizer must be cleaned and maintained according to manufacturer's specifications.
- e) A sterilizer load log must be maintained for a minimum of three (3) years at the body art establishment and made available for inspection by BCPH. The log must 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. The indicator used must 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 the sterilizer and name of person who checked the outcome.
- f) Sterilizer Monitoring:
1. Sterilizer monitoring must 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 must be analyzed by a laboratory that is independent from the body art establishment.
  3. Biological indicator test results must be maintained and available on the premises of the body art establishment for a minimum of three (3) years and must be available for inspection by BCPH at all times.
  4. BCPH will not issue a body art license until it has received documentation of the sterilizers ability to destroy spores.

10-1004 *Instrument Storage*

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

10-1005 *Single-Use Items*

- a) Single-use items may not be used on more than one client and must be disposed of immediately after the body art procedure.
- b) Contaminated needles, bars, razors, and other sharps must be disposed of immediately in approved sharps containers or other method approved by BCPH.
- c) For needle cartridge systems with no proof of backflow preventers, the drive bars will be considered single-use and must be discarded between clients.

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

## **SECTION 11: BODY ART PROCEDURES**

11-1101 The following are prohibited:

- a) The reuse of needles or bars in any body art procedure; only single-use needles may be used for body art.
- b) Body art procedures performed on or by any person who is noticeably impaired by drugs or alcohol.
- c) Smoking, vaping, eating, or drinking in procedure or instrument cleaning areas.

- d) Body art procedures performed on skin surfaces that have sunburn, rash, pimples, jaundice, boils, infections, moles, or manifest any evidence of unhealthy conditions.
- e) Body art procedures on a minor unless the body artist has received express written consent from the minor's parent or guardian, which must include a copy of a state or federal photo I.D. of the person attesting to their status as custodial parent or legal guardian of the minor client and their signed, written consent to allow the specific body art procedure to be performed on the minor client.
- f) Body art procedures that must be conducted under the supervision of a physician licensed to practice medicine under Colorado law, as required by 3 CCR 713-30, Rule 800 – Delegation and Supervision of Medical Services to Unlicensed Persons, as may be amended.

11-1102 The following procedures must be practiced by all body artists:

- a) Thoroughly wash hands with soap and warm water for at least twenty (20) seconds before and after serving each client or after changing gloves. Handwashing must occur between all interruptions of service, not just before and after body art procedures. Following thorough handwashing, hands must be dried using clean, disposable paper towels. An approved hand sanitizer may be used in lieu of handwashing between glove changes for individual body art procedures if the body artist does not leave their work area. Body artists must wear new, clean, disposable examination gloves for each client and for each body art procedure. If a glove is pierced, torn, or contaminated, both gloves must be properly removed and discarded.
- b) Change drapes, lap cloths, and aprons between each client. If multi-use, these items must 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 body art procedure.
- d) Dispense all substances used in body art procedures in a manner that prevents contamination of any unused portion. For example, substances from multi-use containers must be dispensed into single-use portions that may only be applied to individual clients with any leftover substances disposed of properly.
- e) Properly discard single-use ointment tubes, applicators, and supplies after the body art procedure.
- f) Dispose of sharps and infectious waste in accordance with Section 7-718. In the event of bleeding, all products used to stop the flow of blood or to absorb the blood must be single-use and disposed of immediately after use in covered containers that are appropriate for the disposal of infectious waste.
- g) After each client, use a disinfectant according to label instructions and a single-use paper towel to wipe down all surfaces following the body art procedures. 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 must be sprayed onto a single-use wipe rather than directly onto the client.
- i) Maintain hair, skin, and clothes free of visible particulate matter and debris. The body artist must be free of any infection or any other visible disease condition that may be transmitted as a result of carrying out the body art procedure.
- j) Use barrier films, when appropriate, to cover all items that gloved hands would normally come into contact with during a body art procedure. These items include, but are not limited to machine heads, clip cords, spray bottles, seat adjustment controls, power control dials or buttons, and work lamps.
- k) All sterilized instruments must remain in the sterile packages until opened in front of the client.

11-1103 *Procedures Specific to Tattooing and Permanent Makeup*

- a) The use of hectographic or single-use stencils is required for applying a tattoo outline to the skin, except that, when the design is drawn freehand, non-toxic, single-use markers or other single-use devices may be used but must be discarded after use. The use of multi-use stencils is prohibited.
- b) Before placing the design on the skin, the body artist must clean the area with soap and, if necessary, shave off any hair with a disposable, single-use safety razor. The area must be treated with an antiseptic prior to stencil application. Disposable razors must be disposed of in the sharps container.
- c) Only single-use containers of inks, dyes, or pigments may be used for each client. All remaining, unused dye or pigment must be discarded immediately following the tattoo procedure.
- d) If inks, dyes, or pigments are prepared by the body artist, the list of ingredients and the procedure used in the production must be kept on file for review by BCPH.
- e) Excess ink, dye, or pigment applied to the skin during tattooing must be removed with a clean, single-use product and properly disposed of immediately.
- f) After the tattooing procedure is completed, the area must be covered with clean dressing and held in place with a suitable skin tape.
- g) Drive bars that can be reused are only permitted with the use of cartridge systems that have proof from the manufacturer that they have a backflow preventer. For cartridge systems with backflow preventers, the drive bar must be cleaned and disinfected with an appropriate disinfectant after each use.
- h) The grip sleeve and drive bar must be sterilized prior to each use for any needle cartridge system without manufacturer instructions documenting that the cartridge has a backflow preventer.

11-1104 *Procedures Specific to Body Piercing*

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

## **SECTION 12: INSPECTIONS**

12-1201 Agents of BCPH, after displaying proper identification, must be permitted to enter any body art establishment for the purpose of making inspections, investigating complaints, and determining compliance with these regulations. Such inspections will be conducted as often as is necessary throughout the year to ensure compliance with these regulations. Agents of BCPH will only enter a procedure area with the client's consent during a body art procedure.

12-1202 BCPH agents will inspect and document any violations that exist. A copy of the completed report will 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 these 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 advertise body art services or operate a body art establishment in Boulder County, Colorado, unless they have received a body art establishment license from BCPH.
- b) All individual body art establishments must have a separate license.

- c) Body art establishment licenses will be valid for the calendar year in which the license is issued and may be renewed annually.
- d) Regardless of the date that the body art establishment license is issued, the associated fee will not be prorated.
- e) Body art establishment licenses are not transferable from one owner or establishment to another.
- f) The current body art establishment license must be posted in a prominent and conspicuous area where clients may readily observe it.
- g) BCPH will set annual body art establishment license fees, which will be no greater than required to offset the actual costs of BCPH's services associated with administering its Body Art Program.
- h) For temporary events, body art establishment applicants/operators must obtain a temporary event license for each temporary event. Temporary events may not exceed fourteen (14) consecutive days. BCPH will set the temporary event license fee to recover the costs of all BCPH services associated with the particular temporary event for which the license covers.

## **SECTION 14: ENFORCEMENT**

14-1401

- a) Each body art establishment must maintain a valid body art license from BCPH at all times such establishment is operational (i.e. conducting any body art procedures). Body art establishments must comply with all aspects of these regulations. Any body art establishment failing to comply with any aspect of these regulations will be subject to the penalty provisions under this section, Section 14, of these regulations.
- b) BCPH, after investigation and notification of violation may assess penalty fees for violations of these regulations not to exceed \$250 for each day of a violation, as set forth in C.R.S. §25-4-2102, as amended.

14-1402 *Suspension or Revocation of Licenses*

- a) Body art licenses issued pursuant to these regulations may be suspended temporarily by BCPH for failure of the license holder to comply with any requirement of these regulations.
- b) Whenever a licensed body artist or licensed body art establishment fails to comply with any notice or order issued pursuant to these regulations, the license holder or operator may be notified, in writing, that an administrative hearing with BCPH has been scheduled to temporarily revoke their body art license. The hearing will provide the licensee with an opportunity to be heard. Following the hearing, BCPH has the discretion to temporarily suspend or revoke the body art license.
- c) Any body artist or body art establishment whose body art license has been suspended may, at any time, apply for reinstatement of their body art license. Within ten (10) days of receiving a written request from the applicant that includes a statement verifying that the conditions which prompted suspension of the body art license have been corrected and that the appropriate reinspection fees have been submitted, BCPH will reinspect the body art establishment and evaluate the documentation submitted by the applicant. If BCPH determines that the licensee has become compliant with the provisions of these regulations and there are no other circumstances warranting a continued suspension, BCPH may reinstate the body art license.
- d) If there are repeated or serious violations, as determined by BCPH, of any of the requirements of these regulations or for interference with BCPH personnel in the performance of their duties, body art licenses may be permanently revoked following an administrative hearing. Before taking such action, BCPH will notify the license holder and operator in writing, stating the reasons for which the license is subject to revocation and advising the body art license holder and operator of the requirements for

requesting a hearing. Any body art license may be suspended for cause, pending its revocation or a hearing relative thereto.

- e) The hearings outlined in this section will be conducted by BCPH at a time and place designated by BCPH. Based upon the record of hearing, BCPH will make a finding and may sustain, modify, or rescind any official notice or order considered after the hearing. BCPH will furnish a written report of the hearing decision to the body art license holder and body art establishment operator.

## **SECTION 15: VARIANCE PROCEDURE**

15-1501

- a) Any body art establishment may request a variance from any requirement of these regulations when such establishment believes the requirements result in an undue economic hardship or when it is believed a standard may not apply to the specific situation.
- b) Variance requests must be submitted in writing to BCPH and must include the name and location of the body art business, the name of the body art licensee or prospective licensee if applicable, and the section of these regulations 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 must be included.
- c) Any body art establishment licensee requesting a variance from the provisions of these regulations will have the burden of supplying BCPH with information demonstrating that conditions exist which warrant the granting of a variance. All doubts shall be resolved in favor of denial, and BCPH will be the sole decision maker on any variance requests.
- d) BCPH may grant a variance if such variance is consistent with the purpose and intent of applicable laws and these regulations; is consistent with the protection of the public health; and any of the following conditions apply:
  - 1. The circumstances of the body art establishment are unique.
  - 2. 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.
  - 3. The damage to the body art establishment's economic viability is, in fact, caused by compliance.
- e) Body art establishment license holders and operators who receive a variance have an affirmative duty to promptly notify BCPH upon any change or expiration of the circumstances that supported the variance. The variance will 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 Boulder County Board of Health: \_\_\_\_\_ October 12, 2020 \_\_\_\_\_

Effective Date: \_\_\_\_\_ January 1, 2021 \_\_\_\_\_