SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT

REGULATIONS FOR

BODY ART FACILITIES

ADOPTED BY SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT
BOARD OF HEALTH

March 21, 2000

UNDER THE AUTHORITY OF SECTION 26a-1-114
UTAH CODED UNANNOTATED, 1998

CERTIFIED OFFICIAL COPY
SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT

By ____________________________
Director Southeastern Utah District Health Department

By ____________________________
Chairman, Southeastern Utah District Board of Health

Signed/sworn & affirmed to before me this 18th day of April, 2000

Alice F. Barker  My Comm. Expires 11-29-2001
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Southeastern Utah District Health Department

REGULATIONS FOR BODY ART FACILITIES

The Southeastern Utah District Health Department recognizes its responsibility to prevent disease and improve the health of the citizens of Carbon, Emery, Grand and San Counties. As such, the standards that regulate any of the practices defined as Body Art do not imply either approval or endorsement of such practices.

1.0 Definitions

For the purpose of these regulations and unless otherwise defined in other sections of these regulations, the following terms, phrases and words shall have the meaning herein expressed.

1.1 AFTERCARE means written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information when to seek medical treatment, if necessary.

1.2 ANTISEPTIC means an agent that destroys disease causing microorganisms on human skin or mucosa.

1.3 APPROVED means acceptable to the Director of the Southeastern Utah District Health Department.

1.4 BLOOD BORNE PATHOGENS means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

1.5 BODY ART means the practice of physical body adornment by permitted establishments and operators utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are consider medical procedures by a state medical board, such as implants under the skin, and shall not be performed in a body art establishment. Nor does this definition include, for the purposes of the Code, piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing systems.

1.6 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.

1.7 BODY ART TECHNICIAN means any person who is registered with the Southeastern Utah District Health Department who controls, operates, manages, conducts, or practices body art procedures at a body art facility and who is responsible for compliance with these regulations, whether actually performing body art procedures or not.

1.8 BODY PIERCING means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration. This includes but is not limited to, piercing of the lip, tongue, nose, eyebrow, or navel. Body piercing does not, for the purpose of these regulations, include piercing the ear rim (tubercle and helix), or ear lobe with a sterile, disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.
1.9 CONTAMINATED means the presence or reasonably anticipated presence of blood, body fluid or other potentially infectious materials in or on the surface of an item.

1.10 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 (latest edition), known as “Occupational exposure to Bloodborne Pathogens”

1.11 DEPARTMENT means the Southeastern Utah District Health Department, Division of Environmental Health

1.12 DIRECTOR means the director of Southeastern Utah District Health Department or an authorized representative.

1.13 DISINFECTION means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

1.14 EAR PIERCING means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

1.15 EXPOSURE CONTROL PLAN means a written plan, applying to all those who perform tattooing, application of permanent cosmetics, body piercing, branding or scarification within a facility, describing how the applicable requirements of these regulations will be implemented. It is designed to eliminate or minimize employee and client exposure to blood borne pathogens and other communicable diseases.

1.16 FACILITY means any room, shop, or space, where body art procedures are performed.

1.17 INSTRUMENT means tattooing, permanent cosmetics, body piercing, branding, or scarification equipment. Such equipment includes, but is not limited to needles, needle bars, needle tubes, forceps, hemostats, tweezers, pliers, blades, scalpels, branding wires, irons, rods or stencils or other implements used to insert pigment, pierce, puncture, burn cut, or be inserted into any part of the human body for the intended purpose of making a tattoo, permanent hole, or scar. Such equipment also includes studs, hoops rings, or other decorative jewelry, materials or apparatuses inserted into any part of the body for he intended purpose of placement in a hole resulting from piercing.

1.18 HANDSINK means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

1.19 HOT WATER means water which attains and maintains a temperature of at least 100 F.

1.20 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.

1.21 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, a dense, low-porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.
1.22 **LIQUID CHEMICAL GERMICIDE** means a disinfectant or sanitizer registered with the 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/gal. or 2 tablespoons/quart of tap water).

1.23 **MINOR** means any person under the age of 18(eighteen) years.

1.24 **NUISANCE** means unlawfully doing any act which either annoys, injures or endangers the comfort, repose, health or safety of any person, or that renders person insecure in life or the use of property.

1.25 **OWNER** means any person who alone or jointly or with others:

(a) has legal title to any premises, tattoo and/or body piercing establishment, dwelling or dwelling unit, with or without accompany actual possession thereof, or

(b) has charge, care, or control of any premises, tattoo and/or body piercing establishment, dwelling or dwelling unit, as legal or equitable owner, lessee, or is an executor, administrator, trustee, or guardian of the estate of the owner.

1.26 **PERMIT** means written approval by the 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.

1.27 **PERSON** means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company association, trust or unincorporated organization.

1.28 **PHYSICIAN** means a person licensed by the state to practice medicine in all its branches and my include other areas such as dentistry, osteopathy or acupuncture, depending on the rules and regulations particular to that state.

1.29 **PROCEDURE** means the act of tattooing or piercing the body.

1.30 **PERMANENT COSMETICS** means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, lip color or areola color.

1.31 **PERMANENT HOLE** means a hole produced by piercing or puncturing any part of the body, with instruments intended to leave an opening in body tissue(s) into which an appropriate device or apparatus maybe inserted. Permanent hole would include any body party newly pierced or punctured which is undergoing a healing process; and any piercing whether or not removal of a device or apparatus from the perforation would result in fusing or healing of he tissue or skin structures.

1.31 **PIERCING GUN** means a hand held tool that shall be used exclusively for piercing the ear lobe and rim, into which single use, pre-sterilized studs and clutches are placed and inserted into the ear by hand squeezed or spring loaded action to create a permanent hole. The tool must be made of plastic, stainless steel or other material that is able to be disinfected.

1.32 **PROCEDURE AREA** means the immediate area where instruments and supplies are placed during a procedure.
1.33 **PROCEDURE SURFACE** means any surface of an inanimate object that contacts the client’s unclad 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 any requires sanitizing.

1.34 **PURCHASED PRE-Sterilized** means instruments or procedure set-ups that are sold individually packaged and sterilized. Each package shall have an auditable sterilization lot number from a sterilization facility.

1.35 **REGISTRATION** means the applicant has complied with all requirements of the Southeastern Utah District Health Department and has received Certificate of Registration.

1.36 **SANITIZE/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.

1.37 **SEUDHD** means the Southeastern Utah District Health Department

1.38 **SCARIFICATION** means cutting the skin with a sharp instrument with the intent of producing a scar or mark.

1.39 **SHARPS** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

1.40 **SHARPS CONTAINER** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

1.41 **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, sponges, ink cups and protective gloves.

1.42 **STERILIZATION** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

1.43 **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 includes all forms of cosmetic tattooing.

1.44 **UNIVERSAL PRECAUTIONS** means a set of guidelines and controls, published by the Center for Disease Control (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.

1.45 **WORKSTATION** means an area that is set up to perform body art procedures. A workstation can be a separate room or an area that can be screened to insure privacy when performing body art procedures on discretionary areas of the body.
2.0 PURPOSE

The purpose of this regulation is the prevention of the transmission of blood-borne pathogens such as, but not limited to, human immunodeficiency virus (HIV) and hepatitis B; to regulate tattoo establishments, tattooing, skin illustrating, body piercing establishments and instruction in body piercing, and permanent cosmetics, in a manner that will protect the public health, safety and welfare to prevent the spread of disease to prevent the creation of a nuisance within Carbon, Emery, Grand and San Juan Counties to require establishments providing tattooing, body piercing and permanent cosmetics to be registered with the Health Department and comply with certain health and safety standards- and to provide for inspections and fees.

3.0 JURISDICTION OF THE DEPARTMENT

All tattooing, body piercing and permanent cosmetics enumerated in Section 2.0 shall be subject to the direction and control of the Department.

4.0 POWERS AND DUTIES.

The Department, through the Director and the Division of Environmental Health, shall be responsible for the administration of these regulations and any other powers vested in it by law and shall-

4.1 Require the submission of plans and specifications for tattooing, body piercing and/or permanent cosmetics establishments, as necessary to implement the provisions of these regulations.-

4.2 Issue such permits and charge permit fees as necessary to implement the provisions, requirements and standards of these regulations.-

4.3 Make inspections of any tattoo, body piercing and/or permanent cosmetics establishment and issue orders necessary to effect the purposes of these regulations;

4.4 Take samples and make analyses or tests of pigments, dyes or inks, instruments, or equipment or require the sampling, analysis or testing of the same, and

4.5 Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

5.0 SCOPE

5.1 It shall be unlawful for any person to practice or perform tattooing, body piercing and/or permanent cosmetic services unless such practice conforms to these regulations.

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

5.3 Nothing in these regulations shall affect any physician or surgeon licensed in the State of Utah, nor do they apply to licensed hospitals or similarly licensed health care facilities.

6.0 CLOSING A BODY ART FACILITY

6.1 Any tattoo, body piercing and/or permanent cosmetics establishment that fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety, or welfare may be closed by the Department;
6.2 Any person, employee, operator, or owner who fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety, or welfare may be prohibited from working in a tattoo, body piercing and/or permanent cosmetics establishment.

6.3 The Department shall give notice in writing to the owner or operator of the establishment closed;

6.4 No owner or operator whose tattoo, body piercing and/or permanent cosmetics establishment has been closed, shall tattoo, body pierce and/or administer permanent cosmetics to anyone or instruct any person in tattooing, body piercing and/or permanent cosmetics until written approval is received from the Department.

7.0 PERMITS

7.1 Department approval and permit required. A tattoo, body piercing and/or permanent cosmetics establishment must obtain a valid permit from the Department before beginning operation. The body art facility permit shall be posted in a conspicuous place on the premises of the facility. An establishment in existence on the effective date of these regulations shall obtain a permit within 30 days after adoption of these regulations. All new establishments shall obtain a permit prior to beginning operation. Permits must be renewed on an annual basis.

7.2 Southeastern Utah District Health Department shall issue a body art facility permit to any person who:

A. Files an application in the form and manner prescribed by the Southeastern Utah District Health Department;

B. Pays the permit fee prescribed by the department;

C. Demonstrates compliance with all safety, sanitation and sterilization requirements adopted by the department by regulation; and

D. Complies with all other requirements established by the department.

E. An establishment in existence on the effective date of these regulations shall obtain a permit within 30 days after adoption of these regulations.

F. All other new establishments shall obtain a permit prior to beginning operation.

G. Permits must be renewed on an annual basis.

7.3 PERMIT FEES

A. The fee for each permit shall be based on the reasonable expenses incurred by the Department to review plans and specifications, conduct inspections, and act upon the permit application. The fee for an establishment shall be approved by the Southeastern Utah District Health Department Board of Health. The initial annual permit fee is set at $100.00 and the renewal fee at $75.00. The permit fee may be periodically reviewed by and the amount reset by the Board of Health.

B. A late fee of $25.00 shall be charged in addition to the permit fee for every body art facility applying subsequent to the time periods specified in these regulations.

C. No permit fee is refundable for any reason.
7.4 PERMITS NON-TRANSFERABLE  No permit shall be transferable from one establishment, owner or operator to another. An ownership change requires a new permit.

7.5 DENIAL, SUSPENSION, REVOCATION OR APPROVAL OF PERMIT

Causes: Any permit issued pursuant to these regulations may be denied, suspended, or revoked by the Director for any of the following reasons:

A. Submission of incorrect or false information in the application, reports, plans, or specifications,

B. Failure to construct, operate, or maintain the establishment in accordance with these regulations, or the application, reports, plans, and specifications approved by the Department,

C. Operation of the establishment in a way that causes or creates a nuisance or hazard to the public health, safety, or welfare,

D. Violation of any rule, regulation, restriction, or requirement adopted by the Department,

E. Violation of any condition upon which the permit was issued,

F. Failure to pay the permit fee,

G. Failure of the owner or operator of an establishment to permit or allow the Department to conduct inspections to determine compliance with these regulations or

H. Failure to report to the department any incidence of infections and/or injuries to customers, clients or operators caused by or associated with tattooing, body piercing and/or permanent cosmetics performed at the establishment.

If any facility permit or certificate of registration is denied, suspended, or revoked, or a body art facility is closed, the applicant may request a hearing with ten (10) calendar days of such action. The hearing shall be held before the Director within ten (10) days after the request. Within ten (10) calendar days after the hearing, the Southeastern Utah District Health Department shall send written notice to all parties of the decision of the Director and the reason therefor.

8.0 BODY ART TECHNICIAN REGISTRATION AND RENEWAL

8.1 No person shall perform body art procedures without a certificate of registration issued by the Southeastern Utah District Health Department. The certificate of registration shall be prominently displayed to the public, at the technician’s workstation, in every body art facility where the technician performs body art procedures. A person engaged in the piercing of the leading edge or earlobe of the ears is exempt from registration.

8.2 The Southeastern Utah District Health Department shall issue a body art technician certificate to any person who

A. Is at least eighteen (18) years of age;
B. Files an application in the form and manner prescribed by the department;
C. Pays the registration fee prescribed by the department
D. Affirms by written signature on a form prescribed by the department receipt of:
   1. A copy of these regulations;
   2. A copy of the written notification for clients advising of the risks and possible consequences of body art procedures; and
3. A disclosure statement to be posted in public view within the permitted body art facility;

E. Can document protection against hepatitis B (HBV) in the form of
   1. Certification of completed vaccination or,
   2. Laboratory evidence of immunity or

F. Files a certificate of vaccination declination for HBV. The Declination for vaccination files shall be kept on file in the body art facility and made available during inspection;

G. Successfully completes SEUDHD approved Exposure Control Training as Outlined in Section 16.

H. Complies with all other requirements established by the Southeastern Utah District Health Department.

8.3 A certificate of registration issued under this section shall state that registration does not attest to the body art technician’s qualifications based on training or education, nor does the certificate of registration validate minimum competency to perform body art procedures.

8.4 A certificate of registration issued under this section expires annually and may be renewed upon application to the Southeastern Utah District Health Department, payment of the establish fee, and compliance with the requirements of any applicable regulations.

8.5 A body art technician who is currently performing body art procedures on the effective date of these regulations shall obtain a certificate of registration within thirty (30) days of adoption of these regulations.

9.0 PLAN REVIEW REQUIRED

9.1 Operation of an establishment shall not be initiated before plans and specifications have been reviewed by the Department, and no significant modification shall be made in any establishment or the operation of the establishment without the approval of the Department.

9.2 Plans and specifications shall be submitted to the Department for review. The plans and specifications shall include the following:

   A. The name and location of the establishment,

   B. The name of the owner(s) and operator(s) and their current home addresses and telephone numbers;

   C. The number of employees at the establishment;

   D. The hours of operation of the establishment;

   E. The square footage of the work area(s) and general floor plan of the establishment;

   F. A complete description of the equipment, instruments, and materials that will be used;

   G. A complete description of the tattooing, body piercing and/or permanent cosmetic procedures to be conducted;

   H. A complete description of the sterilization procedures to be used,

   I. The location and availability of toilet and hand washing facilities.
10.0 CONSTRUCTION AND OPERATING OF PHYSICAL FACILITIES

Unless otherwise ordered or approved by the Department, each establishment shall be constructed, operated, and maintained to meet the following minimum requirements.

10.1 The room in which tattooing, body piercing and/or permanent cosmetics is done shall have an area of not less than 100 square feet of floor space. The walls, floors and ceilings shall have impervious, smooth, and easily cleanable surfaces and shall be clean and in good repair.

10.2 The establishment shall be equipped with hot and cold running water properly installed in compliance with applicable law. Toilet facilities shall be easily accessible to the work areas at all times that the establishment is open for business. Hand washing facilities shall be located in the work area(s) and toilet facilities and shall be supplied with hot and cold running water, soap, and sanitary towels. The use of common towels is prohibited.

10.3 All tables and chairs in the work area shall be constructed of easily cleanable material with a smooth, easy to sanitize finish. All tables and chairs shall be clean and in good repair.

10.4 The work area shall be lighted to provide at least 30 foot-candles of illumination. Other rooms of the tattoo establishment shall be lighted sufficiently to allow proper cleaning and sanitizing, with at least 20 foot-candles of illumination.

10.5 No owner or operator shall use an establishment for housing, shelter, or harboring, or permit the same to be used as living or sleeping quarters by employees or other persons.

10.6 All facilities shall have the waiting area separated from the workstations and the cleaning room. A public restroom shall be available to clients during all business hours.

10.7 At least fifty(50) foot-candles of artificial light shall be provided at the level where the body art procedure is being performed and where instruments and sharps are assembled.

10.8 All surfaces, including but not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets in the service areas and cleaning room shall be made of smooth, non-absorbent, non-porous materials to allow for easy cleaning.

10.9 If body art procedures and nail and hair procedures are performed simultaneously, work stations shall be separated by an appropriate barrier in such a manner to prevent contact with irritants including, but not limited to hair spray.

10.10 Hand sinks with hot and cold running water shall be located in each work area. It is recommended that all hand sinks be operated by wrist or knee action. Hand sinks shall be supplied with liquid soap and single-use paper towels from sanitary dispensers. If there are two or more work stations within a room, all may share the hand sink. A work station in a separate room shall include a hand sink.

10.11 The cleaning room or area shall have a separate sink reserved for instrument clean up activities only.

10.12 No owner or operator shall use a body art facility for housing, shelter, or harboring, or permit the same to be used as living or sleeping quarters by employees or other persons.

10.13 A body art facility shall not be located with 600 feet of the property of any public or private k-12 school unless approved by the Director.

10.14 The water supply shall be from an approved source.
10.15 Sewage, including liquid wastes, shall be disposed of in a public sewer or, in absence thereof, in an on-site waste water disposal system approved by the Southeastern Utah District Health Department.

11.0 LINEN REQUIREMENTS All linen used in an establishment, including linen used for a supine table or knee padding, shall be clean and sanitary for each new person to be tattooed, pierced and/or to receive permanent cosmetics.

12.0 HOUSEKEEPING STANDARDS

All body art facilities shall meet the following criteria:

12.1 All areas shall kept neat, clean and in good repair.

12.2 All surfaces and equipment (chairs, work stations, counters, client recliners, or dispensers) in the procedure shall be made of smooth, non-absorbent non-porous material that can withstand repeated disinfection.

12.3 An Environmental Protection Agency (EPA) registered disinfectant or germicide (iodophor, phenolic, or; alcohol containing germicide, or a 1:100 dilution of household bleach and water (two (2) tablespoons of bleach in one (1) quart of water)) shall be used after cleaning to disinfect any surface contaminated with blood or body fluids.

12.4 The cleaning room or area shall be set up in a manner to provide distinct, separate areas for cleaning equipment, and for the handling and storage of sterilized equipment. The cleaning areas sink shall be reserved for instrument cleaning only and shall not be used as a janitorial or hand sink.

12.5 Large capacity ultrasonic cleaning units shall be clearly labeled biohazardous and placed away from the sterilizer and workstations. All ultrasonic cleaners shall be cleaned and maintained according to manufacturer’s specifications.

12.6 Adequate foot-operated receptacles shall be provided in each workstation for disposal of trash and debris. Red bags shall be available for any biohazardous items.

12.7 Each work station shall have an approved sharps container that is rigid, and puncture and leak proof for disposal of sharp objects that come into contact with blood or body fluids.

12.8 The procedure area and client chair/table must be wiped down with an EPA registered sanitizer or germicide using a single-use paper towel before and after serving each client.

12.9 All germicides and sanitizers must be used according to the manufacturer’s recommendations.

12.10 All chemicals shall be properly labeled and stored.

12.11 Pets or other animals shall not be permitted in the facility. Trained guide or assistance animals for the disabled and fish in aquariums in the waiting area are exempted.

13.0 CLIENTS

13.1 No tattoo, or permanent cosmetic shall be applied to any person under eighteen (18) years of age, regardless of parental consent, except when authorized or prescribed by a physician.
13.2 Persons under eighteen (18) may receive body piercing provided they are accompanied by their parent or guardian. The parent or guardian shall have a valid picture identification.

13.3 Before administering a tattoo, permanent cosmetic, scarification or branding procedure the client must be advised that brands, scars, permanent cosmetics or any other tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that any effective removal may leave scarring. Written information to this effect shall be included on the consent form to apply tattoos, permanent cosmetics, brands, or scars.

13.4 Tattooing, permanent cosmetics, body piercing, scarification, or branding shall not be performed on skin surfaces which have sunburn, rash, pimples, infection, open lesions, or manifest any evidence of unhealthy conditions.

13.5 Body art procedures may not be performed on any person who is impaired by drugs, alcohol or impaired in any other way in the judgment of the owner/operator.

13.6 No body art procedures may be performed on a pregnant woman unless approved by a physician.

14.0 FACILITY OWNER RESPONSIBILITIES

The facility owner or operator of any body art facility shall:

14.1 Allow any duly authorized representative of the SEUDHD, after proper identification, to enter during business hours any body art facility within his/her jurisdiction, to inspect, and make as many additional inspections or re-inspections as are necessary for the enforcement of these regulations.

14.2 Be responsible for all registered body art technicians complying with all health, safety, sanitation and sterilization regulations and standards of the SEUDHD.

14.3 Require each individual within the facility providing body art procedures to be registered with the SEUDHD.

14.4 Maintain a list of registered body art technicians providing services at the facility for review by the representative of the SEUDHD during inspection.

14.5 Notify the SEUDHD in writing of any change in their names(s), address(es) or telephone number(s) or change of their employees.

14.6 Develop and ensure compliance with the Exposure Control Plan as specified in Section 14. A copy of the plan must be available all times for use and inspection.

14.7 Keep a record of all persons who have had body art procedures performed. The record shall state the name, date of birth, and addresses of the client, the date of the procedure, name of the body art technician who performed the procedure(s), type and location of procedure performed, signature of the client and if the client is a minor, proof of parental or guardian presence and consent, i.e. signature. Such records shall be maintained for a minimum of three (3) years and be available to the SEUDHD upon request. The SEUDHD shall keep such records strictly confidential.

15.0 EXPOSURE CONTROL PLAN

The owner of every body art facility shall establish a written exposure Control Plan applying to all those who perform body art procedures within a facility, describing how the applicable requirements of these regulations will be implemented.
The Exposure control Plan shall contain at least the following elements:

The method of implementation for each of the following applicable sections of these regulations:
Clients, Facility Requirements, Housekeeping Standards, Approved Sterilization Equipment and Monitoring Methods, Sterilization and Set-Up, Contaminated Wastes, Tattooing, Permanent Cosmetics, Body Piercing, and Branding and Scarification.

16.0 EXPOSURE CONTROL TRAINING REQUIREMENTS

16.1 All persons registered with the SEUDHD to perform body art procedures must receive exposure control training in a SEUDHD approved course.

16.2 All body art technicians who are performing body art procedures at the effective date of these regulations must receive exposure control training within one year and must update that training at least every three years thereafter.

16.3 All new body art technicians wishing to register with the SEUDHD must first receive exposure control training and must update that training at least every three years thereafter.

16.4 Additional training must be completed when changes such as modification of procedures or institution of new procedures affect the practitioner’s or client’s exposure. The additional training may be limited to addressing the new exposures created.

16.5 Material appropriate in content and vocabulary to educational level and literacy of trainees shall be used.

16.6 The training program shall contain, at a minimum, the following elements.

A. An accessible copy of these and other applicable regulations and standards and an explanation of their contents.
B. A general explanation of the epidemiology and symptoms of blood borne diseases and other exposures appropriate for the practice of the trainee;
C. An explanation of the modes of transmission of blood borne pathogens and other communicable diseases appropriate for the practice of the trainee.
D. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for either the body art technician, the client, or both;
E. An explanation of the use and limitations of methods that prevent or reduce exposure to both the body art technician and the client;
F. Information on the types, proper use, and removal of gloves and proper hand washing techniques;
G. Information on the Hepatitis B vaccine, including information on its efficacy, safety, method of administration, and the benefits of being vaccinated;
H. An explanation of what constitutes a blood exposure incident, the risk of disease transmission following a blood exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs, specific to each blood borne pathogen;
I. An opportunity for interactive questions and answers with the person conducting the training session.

16.7 The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace that the training will address.
17.0 EQUIPMENT AND INSTRUMENTS

17.1. Only single-service safety razors shall be used to shave the skin of each individual in preparation for tattooing, body piercing and/or application of permanent cosmetics. Each razor shall be discarded into a covered waste container immediately after use.

17.2. All absorbent products used for drying the skin after disinfecting or scrubbing the skin prior to tattooing, body piercing and/or application of permanent cosmetics or during application of dyes or inks shall be clean and sanitary single-service products and discarded immediately after use into a covered waste container.

17.3 All needles and instruments used for tattooing or body piercing shall be sterile. All ready-to-use needles and instruments shall be kept in a closed case or cabinet while not in use. The case or cabinet shall be easily cleanable, maintained in good repair, and shall be sanitary at all times.

17.4. Before each use, all stencils and templates to be used in tattooing or body piercing shall be disinfected by the use of an antiseptic solution approved by the Director. When not in use, the stencils shall be stored in a case or cabinet that is easily cleaned and kept in a clean and sanitary condition at all times.

17.5. All instruments, excluding plastic stencils and templates, to be used in tattooing or body piercing shall be wrapped in a manner approved by the Department with a color change indicator on the bag and shall be sterilized by moist heat in an autoclave for at least 30 minutes at a pressure of 15 pounds per square inch at a temperature of 240 degrees F (116 C) before each use, or 15 minutes at a pressure of 20 pounds at a temperature of 250 degrees F (121 C). The owner or operator of the establishment shall not use or allow the use of needles or instruments for tattooing or body piercing on different individuals without first cleaning and sterilizing the needles and instruments in accordance with this Section. Any other method of sterilization must be approved by the Department.

17.6. The autoclave or other method of sterilization approved by the Department shall be maintained in good operating condition and shall use heat sensitive indicators every sterilization cycle and be tested at least monthly to verify proper sterilization. The Kilit Ampule sterilization test or other test(s) approved by the Director shall be used. The results of the sterilization test shall be made available to the Department upon request. Biological indicator test results shall be maintained for three(3) years and a must be available for inspection at all times. The autoclave or other sterilization method shall be subject to periodic and routine inspection by the Department.

17.7. The needles and instruments required to be sterilized shall be used, handled and temporarily placed during tattooing or body piercing in a way that they are not contaminated.

18.0 PIGMENTS, DYES, AND INKS

18.1 Only single-service or individual containers or pigments, dyes, or inks shall be used for each individual to be tattooed and the container shall be discarded immediately after completing work on the individual. Any pigment, dye, or ink in which a needle(s) has been dipped shall not be used on another individual.

18.2. Only sterile pigments, dyes or inks shall be used in any tattoo establishment.

18.3. The name, content and source of pigments, dyes and inks shall be kept on file at the establishment.

19.0 OPERATORS AND PERSONNEL

19.1. Prior to operating or being employed in an establishment a person shall demonstrate to the Department that he/she has the qualifications and knowledge required for the operation of an establishment in a safe, clean and sanitary manner.
19.2. Students studying tattooing and/or body piercing shall be registered with each establishment operator under whom they study. Each student while in the establishment and while practicing tattooing and/or body piercing shall be under the direct supervision of the operator at all times and shall follow the requirements of these regulations.

19.3. It shall be the responsibility of the establishment owner or operator who has employees or students to verify that all health regulations are observed at all times by his employees and students and by others entering onto the premises of the establishment.

19.4. No person, while affected with any disease in a communicable form or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area where tattooing is practiced if there is a likelihood of such person contaminating tattooing equipment with pathogenic organisms or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity. If the owner or operator of the tattoo establishment has reason to believe that he or an employee has contracted any disease in a communicable form, excluding colds, or has become a carrier of such disease, the operator shall notify the Department immediately.

19.5. In addition to the requirement of Section 21.5, the operators shall wash their hands during working hours as often as necessary to remove soil and contamination and shall thoroughly wash their hands after using the toilet, smoking or eating.

19.6. The clothing of all persons engaged in tattooing and/or body piercing shall be maintained in a clean and sanitary condition.

19.7. The operator shall not use tobacco in any form while engaged in tattooing and/or body piercing, while sterilizing or handling equipment or instruments, or while in the work area.

19.8. The owner(s) or operator(s) of an establishment shall notify the Department in writing of any change in their name(s), address(es) or telephone number(s) or such changes of their employee(s).

20.0 STERILIZATION AND SET-UP

20.1 Contaminated non-disposable instruments including, but not limited to needle tubes, needle caps, body piercing tubes or other instruments that are contaminated shall be immersed in liquid sanitizer in the cleaning area or room until cleaned and sterilized.

20.2 Before being sterilized, all instruments shall first be manually cleaned, and then shall be thoroughly cleaned in an ultrasonic cleaner following manufacturer’s instruction.

20.3 After cleaning, non-disposable instruments shall be packaged into procedures set-ups with color change indicators or packaged individually in peel-packs with color change indicators. All packages shall be dated and initialed by the preparer. If a sterilized package has been breached or allowed to get wet, the instrument(s) shall be repackaged and re-sterilized before use.

20.4 After sterilization, the instruments shall be stored in a dry, clean cabinet or other tightly covered container reserved for storage of sterile instruments.

20.5 A record of sterilization procedures must be maintained.
20.6 The body art technician shall wear clean, new, disposable, examination gloves while handling instruments or doing body art procedures. All sterilized instruments shall remain in sterile packages until opened in front of the client. If a glove is pierced, torn or contaminated by contact with any non-cleanable surface, both gloves must be properly removed and discarded. The gloves shall be discarded after the completion of each procedure on an individual client and hands shall be washed prior to donning the next pair of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

21.0 CONTAMINATED WASTES

Contaminated wastes generated by body art facility shall be classified into two categories:

A. Contaminated sharps, which means any contaminated object that can penetrate the skin including, but not limited to, tattoo needles, permanent cosmetic needles, piercing needles and razors, shall be placed in an approved sharps container which shall be sealed and disposed of properly.

B. Other contaminated waste, meaning waste other than contaminated sharps, which including contaminated gauge, wipes, tissues, unused dyes and inks, and other non-sharp(s) used in body art procedures shall be either put in the sharps container if small(like cotton swabs) or put in a red biohazardous bag and disposed of in the same way as sharps container.

22.0 TATTOOING

22.1 Before the procedure is started, the tattoo artist shall discuss all the topics on the SEUDHD approved information and consent form for application of a tattoo. The client shall fill out and sign the form. One copy of the form shall be retained by the shop; the other copy shall be given to the client upon request. The tattoo artist must also explain all aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written aftercare instructions.

22.2 The tattoo artist shall not smoke, eat or drink at the workstation or cleaning room during or between procedures.

22.3 Immediately before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or disinfectant or a solution of two (2) tablespoons of bleach in a one(l) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

22.4 The tattoo artist shall thoroughly wash hands and forearm with soap and warm water before an after serving each client, to prevent cross contamination and/or transmission of body fluids, infections or exposure to service related chemicals or wastes. Following thorough washing, hands shall be dried using clean, single use paper towels.

22.5 The tattoo artist shall use new disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
22.6 Before placing the design on the skin, the tattoo artist shall clean any area other than the face with germicidal soap, and if necessary, shave off any hair with a disposable, single-use safety razor, then apply the stencil. The area shall be cleaned during and after the procedure with an anti-microbial soap that has been applied with a single-use paper product. If shaving is necessary, single-use disposable razor or safety razors with single-service blades shall be used and discarded after each use, and the reusable holder shall be sterilized in an approved sterilizer after each use. Following shaving, the skin and surrounding area shall be washed with an anti-microbial soap and water or EPA-approved antiseptic solution applied with a clean, single-use paper product.

22.7 The tattoo artist shall use new disposable drapes, lap cloths or aprons for each client. All drapes, lap cloths, and aprons shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is line with a plastic bag or disposal at the end of the day.

22.8 All substances used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.

22.9 When a work station rinse cup is used alone or in an ultrasonic cleaner, the cup and solution must be changed after each client.

22.10 All tattooing needles shall be single use, packaged and sterilized, and shall be disposed of immediately after use in an approved sharps container.

22.11 Single-use ointment tubes, applicators and supplies shall be discard after the tattoo procedure.

22.12 All pre-sterilized instruments to be used in the tattooing procedure shall be open in front of the client.

22.13 The use of hectographic or single-service tissue stencils shall be required for apply a a tattoo outline to the skin. The use of acetate or other multi-use stencils is prohibited.

22.14 When the design is drawn free hand, single-use, non toxic markers or other devices shall be used.

22.15 Individual portions of inks, dyes or pigments in single-use containers shall be used for each each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure.

22.16 If inks, dyes or pigments are prepared by the tattoo artist, only non toxic, non contaminated materials shall be used.

22.17 Excess ink, dye or pigment applied to the skin during tattooing shall be removed with a clean single-use paper product.

22.18 The stencil shall be applied with the anti-microbial soap or some other approved product dispensed from an container in a manner that does not contaminate the unused portion.

22.19 After the procedure a thin coat of antibiotic cream or sterile petroleum jelly may be applied using a fresh Q-tip, cotton ball, sterile applicator, or glove.

22.20 The tattooed area shall then be covered with clean gauze or other suitable bandaging material that is held in place with a suitable skin tape.
22.21 Upon completion of the procedure, aftercare instructions shall be reviewed with the client. Aftercare shall consist of both verbal and written instructions concerning proper care of the tattooed skin. Instructions shall specify:

A. Responsibilities and care following the tattoo procedure.
B. Possible side effects.
C. Restrictions.
D. Signs and symptoms of infection.
E. Instruction to call the body art facility and a physician if an infection occurs.
F. All infections, complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the SEUDHD by the operator within 24 hours.

23.0 BODY PIERCING

23.1 The skin of the body piercer shall be free of rash or infection. No persons affected with boils, infected wound, open sores, abrasions, weeping dermatological lesions or acute respiratory infections shall work in any area of body art facility in any capacity in which there is a likelihood of contaminating body art facility in any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

23.2 Before beginning anybody piercing procedure, the body pierced shall discuss the risks and responsibilities required in the particular piercing with the client. The client shall fill out and sign a client information and consent form for body piercing. One copy of the form shall be retained by the facility and the other copy shall be given to the client upon request. The body piercer must also explain aftercare instructions and have the client initial the box on the consent form to indicate that he or she had received written aftercare instructions.

23.3 The body piercer shall not smoke, eat or drink at the work station or cleaning room during or between procedures.

23.4 Immediately before the procedure is begun, the procedures area shall be wiped down with an EPA registered germicide or sanitizer or a solution of two(2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

23.5 The body piercer shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single-use paper towels.

23.6 Before piercing, the immediate and surrounding area of the skin which is to be pierced shall be washed with an EPA approved antiseptic solution applied with a clean, single-use paper product. If shaving is necessary, single-use, disposable razors, or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be sterilized in an approved sterilizer after each use. Following shaving, the skin and surrounding area shall be washed with an EPA-approved antiseptic solution applied with a clean, single-use paper product.
23.7 The body piercer shall wear new, clean, disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

23.8 The body piercer shall use new disposable dental bibs or drapes for each client. All drapes and dental bibs shall be stored in a closed cabinet or container. Used disposable items shall be placed in a closed container that is lined with a plastic bag for disposal at the end of the day.

23.9 Piercing guns shall not be used to pierce body parts other than the ear lobe or ear rim (tubercle and helix).

23.10 All body piercing needles shall be single-use, sterilized, disposable piercing needles slightly larger or of the same gauge as the jewelry or ornaments to be inserted, and disposed of immediately after use in a sharps container.

23.11 All instruments shall be properly cleaned and sterilized in bags with color indicator strips. Each bag shall be dated and initialed by the person preparing the instruments.

23.12 All forceps, hemostats, tubes, etc. shall be properly cleaned and sterilized in individual bags using a SEUDHD approved sterilizing device.

23.13 All non-sterilizable instruments such as calipers shall be nonporous and sanitized after each use with an appropriate sanitizer.

23.14 Only new, pre-sterilized and packaged jewelry or ornaments shall be used for piercing. Ear studs or other jewelry designed for ears shall not be used in other parts of the body.

23.15 Only jewelry made of implant grade, ASTM F-138-97 or ISO 5832-1 stainless steel or solid 14K through 24K gold, or other materials approved by the SEUDHD shall be used in newly pierced skin.

23.16 Upon completion of the piercing, the body piercer shall review verbal and printed instructions with the client on the care of the body opening created by the piercing to minimize the likelihood of infection. Aftercare instructions shall specify:

1. Care specific to the site of the piercing.
2. Information regarding tightness to prevent accidental ingestion or imbedding of certain jewelry if appropriate.
3. Restriction.
4. Signs and symptoms of infection.
5. Instructions to call the body art facility and physician if infection occurs.
6. All infections complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the SEUDHD by the operator within 24 hours.

24.0 PROHIBITED TATTOOING AND BODY PIERCING PROCEDURES

24.1 No tattooing or body piercing shall be done on skin surfaces that have any rash, pimple, boil, infection or manifest evidence of any other unhealthy conditions.
24.2 No local antiseptic or spray for the purpose of deadening the skin to pain shall be used without the approval of the Department.

24.3 No procedures shall be used that are accepted by state law as within the exclusive jurisdiction of physicians and other licensed medical personnel.

24.4. No styptic pencils, alum blocks, or other solid stypics shall be used to stop the flow of blood.

24.5. Branding, scarification, nipple, tongue, belly button, and genital piercing, are prohibited on minors regardless of parental consent.

25.0 PERMANENT COSMETICS

25.1 The skin of the permanent cosmetics technician shall be free of rash or infection. No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infections shall work in any area of a body art facility. In any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

25.2 Before the procedure is started, the permanent cosmetics technician shall discuss all of the topics on the SEUDHD approved client information and consent form for the application of a permanent cosmetic procedure. The client shall fill out and sign the form. One copy of the form shall be retained by the shop; the other copy shall be given to the client upon request. The permanent cosmetics technician must also discuss all aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written after instructions.

25.3 The permanent cosmetics technician shall not smoke, or drink at the work station or cleaning area during or between procedures.

25.4 The permanent cosmetics technician shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single-use paper towels.

25.5 The permanent cosmetics technician shall wear new, clean, disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

25.6 The permanent cosmetics technician shall use new disposable drapes, lap cloths, or aprons for each client. All drapes, lap cloths, and aprons shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day.

25.7 All substances, including but not limited to pigments and dyes, used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.
25.8 All permanent cosmetic needles shall be single-use, packaged, and sterilized, and shall be disposed of immediately after use in an approved sharps container.

25.9 The permanent cosmetic technician shall not be required to have an ultrasonic cleaner and a medical grade sterilizer if only individually packaged, sterile, single-use, needle chambers, machine tips, machine casings, and combo couplers are used. If any instruments are reused, they must first be manually cleaned, and then thoroughly cleaned in a ultrasonic cleaner and finally, sterilized in a medical grade sterilizer.

25.10 If a manual device is used, it shall be single-use and disposable. The device shall be sterilized before use, and discarded in a sharps container at the end of the procedure.

25.11 The use of some rotary pens (also called cosmetic machines) is permitted. Any rotary pen that uses a sponge at the opening of the chamber to stop the pigment or body fluids from getting into the machine or is designed in a manner that doesn’t allow it to be properly cleaned and sterilized shall not be permitted.

25.12 Only rotary pens that have detachable, disposable, sterile combo couplers and detachable, disposable or autoclavable casings that can be cleaned and sterilized can be used. Pre-sterilized needles shall be used in all procedures.

25.13 The use of any traditional coil machines shall be permitted providing the permanent cosmetic technician has a shop with an ultrasonic cleaner and medical grade sterilizer to clean and sterilize the needle bars and the needle tubes.

25.14 Disposable sterile machine tips, combo couplers, needles, needle chambers, and casings shall not be re-used.

25.15 Fresh pigment and disposable pigment containers shall be used for each client. Used pigment and pigment containers shall be discarded after each client.

25.16 Immediately before the procedure begins, the procedure area shall be wiped down with an EPA registered germicide or sanitizer or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for he procedure shall then be arranged on the paper.

25.17 Before application of permanent cosmetics, the immediate and surrounding area of the skin where the cosmetics are to be applied shall be washed with an antimicrobial soap and water or an EPA-approved antiseptic solution applied with a clean single-use paper product. If shaving is necessary, single-use razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall sterilized in an approved sterilizer after each use. Following shaving, the skin and surrounding area shall be washed with an antimicrobial soap and water or an EPA-approved antiseptic solution applied with a clean, single-use paper product.

25.18 All disposable items such as cotton balls, Q-tips, tissue, water cups, new or used that have come into contact with the procedure table/chair, or work area shall be discarded into a closed container lined with a plastic bag and removed at the end of the day.

25.19 After the procedure a thin coat of antibiotic cream or sterile petroleum jelly may be applied using a fresh Q-tip, cotton ball, sterile applicator or glove.
25.20 Upon completion of the procedure, aftercare instructions shall be reviewed with the client. Aftercare shall consist of both verbal and written instructions concerning proper care of the skin. The instructions shall specify:
A. Responsibilities and care following a permanent cosmetic procedure.
B. Possible side effects.
C. Restrictions.
D. Signs and symptoms of infection.
E. Instructions to call the body art facility and a physician if infection occurs.
F. All infections, complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the SEUDHD by the operator with 24 hours.

26.0 BRANDING AND SCARIFICATION

26.1 The skin of the body art technician shall be free of rash or infection. No person affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infections shall work in any area of a body art facility in any capacity in which there is a likelihood of contaminating body art equipment, instruments, supplies or working surfaces with body substances or pathogenic organisms.

26.2 Before the procedure is started, the body art technician shall discuss all topics on the SEUDHD approved client information and consent form for the application of a branding or scarification procedure. The client shall fill out and sign the form. One copy of the form shall be retained by the shop; the other copy shall be given to the client upon request. The body art technician must also discuss all aftercare instructions and have the client initial the box on the consent form to indicate that he or she has received written aftercare instructions.

26.3 The body art technician shall not smoke, eat or drink at the work station or cleaning area during or between procedures.

26.4 Immediately before the procedure is begun, the procedure area shall be wiped down with an EPA registered germicide or sanitizer or a solution of two (2) tablespoons of bleach in one (1) quart of water and the procedure area covered with an uncontaminated paper towel or tray cover. All instruments and supplies needed for the procedure shall then be arranged on the paper.

26.5 The body art technician shall thoroughly wash hands and forearms with soap and warm water before and after serving each client, to prevent cross contamination and/or transmission of body fluids, infection or exposure to service related chemicals or wastes. Following thorough washing, the hands shall be dried using clean, single-use paper towels.

26.6 Before proceeding with branding or scarification, the immediate and surrounding area of the skin where the brand or scar is to be created shall be washed with an antimicrobial soap and water or an EPA approved antiseptic solution applied with a clean single use paper product. If shaving is necessary, single-use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be sterilized in an approved sterilizer after each use. Following shaving, the skin and surrounding area shall be washed with an antimicrobial soap and the water or an EPA approved antiseptic solution applied with a clean, single-use paper product.
26.7 The body art technician shall wear new, clean, disposable examination gloves for every client during the procedure. If a glove is pierced, torn or contaminated by coming into contact with any other person or non-clean surface, both gloves must be properly removed and discarded. Gloves shall be discarded after the completion of each procedure on an individual client, and hands shall be washed prior to donning a new pair of disposable examination gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable examination gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.

26.8 The body art technician shall use new disposable drapes, lap cloths, or aprons for each client. All drapes, lap cloths, and aprons shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container that is lined with a plastic bag for disposal at the end of the day.

26.9 All substances used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.

26.10 All blades and scalpels shall be single-use, packaged and sterilized, and shall be disposed of immediately after use in an a approved sharps container.

26.11 All instruments used to create a scar or brand must be composed of stainless steel or other materials approved by the SEUDHD.

26.12 The body art technician shall not be required to have an ultrasonic cleaner and a medical grade sterilizer if only individually packaged, sterile, single-use branding rods, wires, or irons are used. If any instruments are reused, they must first be manually cleaned, and then thoroughly cleaned in an ultrasonic cleaner and finally, sterilized in a medical grade sterilizer.

26.13 All disposable items such as cotton balls, Q-tips, tissue, water cups, new or used that have come into contact with the procedure table/chair, or work area shall be discarded into a closed container lined with a plastic gag and removed at the end of the day.

26.14 After the procedure a thin coat of antibiotic cream or sterile petroleum jelly may be applied using a fresh Q-tip, cotton ball, sterile applicator, or glove.

26.15 Upon completion of the procedure, aftercare instructions shall be reviewed. Aftercare shall consist of both verbal and written instructions concerning proper care of the skin. The instructions shall specify:
   A. Responsibilities and care following a branding or scarification procedure.
   B. Possible side effects.
   C. Restrictions
   D. Signs and symptoms of infection.
   E. Instructions to call the body art facility and a physician if infection occurs.
   F. All infections, complications or diseases resulting from any body art procedure which become known to the operator shall be reported to the SEUDHD by the operator within 24 hours.

27.0 CLIENT RECORDS

In order for the operator/technician to 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 following information shall be given to the operator or technician:
27.1 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:

1. Diabetes;
2. History of hemophilia (bleeding);
3. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
4. History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
5. History of epilepsy, seizures, fainting or narcolepsy;
6. Taking medications such as anticoagulants which thin the blood and/or interferes with clotting.

27.2 The operator technician should ask the client to sign a Release Form confirming that the above information was obtained or attempted to be obtained. The client should be asked to disclose any other information that would aid the operator technician in the client’s body art healing process evaluation.

27.3 Each operator shall keep records of all body art procedures administered; including date, time, identification and location of the body art procedure(s) performed, and operator’s name. All client records shall be confidential and be retained for a minimum of three (3) years and made available to the Department upon notification.

28.0 RECORDS RETENTION

The body art establishment shall keep a record of all persons who have had body art procedures performed. Such records shall be retained for a minimum of three (3) years and available to the Department upon request. The Department and the body art establishment shall keep such records confidential.

28.1 RECORDS TO BE KEPT

A. Persons pierced shall personally enter on a record or form, the following information
   1. The date of tattooing and/or piercing,
   2. Procedures performed
   3. Location of procedure
   4. Who performed the procedure;
   5. Name, address, telephone number, and age;
   6. Signature.

29.0 INFECTIONS

Any infection or bodily injury resulting from the practice of tattooing and/or body piercing that becomes known to the establishment owner or operator shall be reported immediately by the establishment owner or operator to the Director and the person infected and/or injured shall be referred by the tattoo establishment owner or operator to a physician.

30.0 NOTICE

30.1 Department to notify owners or others of violations. If the Director has inspected any establishment and has found and determined that the establishment is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof.

30.2 Department to issue written notice of violations. Prior to initiating a court complaint for the violation of these rules and regulations, the Director shall issue a notice pursuant to Section 30.1 and shall:
   A. describe the property;
   B. give a statement of the cause for its issuance;
   C. set forth an outline of the remedial action that complies with the provisions of these regulations and
D. set a reasonable time for the performance of any required remedial act.

30.3 **Department to serve notice.**

The Director shall serve notice upon the owner(s) of the establishment or other responsible person(s) pursuant to Sections 10.1 and 10.2 of these rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways.

A. Served in person;
B. Sent by certified mail to the last known address of the owner(s) or other responsible person(s); or
C. Published in a newspaper of general circulation.

30.0 **ENFORCEMENT**

30.1 **Department to ensure compliance.** It shall be the duty of the Director or the Environmental Health Director upon the presentation of proper credentials, to make inspections of any property where the establishment is located or will be located as is necessary to ensure compliance with these regulations.

30.2 **Inspection made with consent.** Department inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.

30.3 **Owners may request a factual report of inspections.** Upon request, the owner(s) or other responsible person(s) of any establishment shall give a report setting forth all facts found that relate to compliance with these regulations.

31.0 **RIGHT TO APPEAL**

Within ten (10) calendar days after the Department has issued a notice of violation, permit denial, warning, suspension, revocation or an establishment is closed, any person(s) aggrieved, may request in writing, a hearing before the Director. The hearing shall I take place within ten (10) calendar days after the request is received. A written notice of the Director's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order. In addition to the above hearing any person(s) aggrieved may make an appeal to the Board of Health as specified in the Southeastern Utah District Health Department Adjudicative Hearing Procedures.

32.0 **PENALTIES**

32.1 Any person who is found guilty of violating any of the provisions of these rules and 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 -1 23(5)(a)(i), Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor pursuant to Section 26A-1 -1 23(5)(a)(ii), Utah Code Annotated, 1953, as amended.

32.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.

32.3 The County Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations.

32.4 In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expense incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.
33.0   SEVERABILITY

If any provision, clause, sentence, or paragraph of these rules and regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations. The valid part of any clause, sentence or paragraph of these regulations, shall be given independence from the invalid provisions or application and to this end the provisions of these regulations are hereby declared to be severable.

34.0   EFFECTIVE DATE

These rules and regulations shall become effective 15 days after their adoption by the Southeastern Utah District Health Department Board of Health.