

# **REGULATIONS OF THE EL PASO COUNTY BOARD OF HEALTH**

## **EL PASO COUNTY, COLORADO**

### **Chapter 6**

### **Body Art Regulations**

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## **CHAPTER 6**

### **BODY ART REGULATIONS**

#### **SECTION 6.1: PURPOSE AND APPLICABILITY**

Section 25-4-2101, C.R.S., provides that a local board of health may adopt and enforce resolutions or rules that impose standards for body art that are at least as stringent as the standards imposed by rules adopted by the Colorado Department of Public Health and Environment. Therefore, the El Paso County Board of Health hereby adopts and modifies these rules for the purpose of establishing the safe and sanitary practice of body art, including the physical environment where body art is performed, and the equipment used in body art procedures within El Paso County.

#### **SECTION 6.2: DEFINITIONS**

- A. **AFTERCARE INSTRUCTIONS:** Written and verbal instructions given to the client, specific to the body art procedure(s) rendered. These instructions shall include information regarding when to seek medical treatment, if necessary.
- B. **ANTISEPTIC:** A substance that inhibits growth of bacteria and other microorganisms when applied to the skin (e.g., chlorhexadine gluconate, alcohol, iodophor). It should not be used to decontaminate inanimate objects.
- C. **BOARD OF HEALTH:** The El Paso County Board of Health.
- D. **BODY ART:** The practice of physical body adornment by establishments or artists utilizing, but not limited to, the techniques of body piercing or tattooing, to include the transdermal introduction of permanent cosmetics, branding, sculpting, and scarification. This definition does not include practices conducted by or under the supervision of a physician, dentist, or oral surgeon licensed to practice medicine or dentistry under Colorado law, or piercing of the outer perimeter or lobe of the ear by means of pre-sterilized stud-and-clasp ear piercing systems.
- E. **BODY ART ESTABLISHMENT:** Any location, whether temporary or permanent, where the practices of body art are performed.
- F. **BODY ARTIST:** Any person who performs body art procedures.
- G. **BRANDING:** A potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.
- H. **CERTIFICATE OF APPROVAL:** A document issued by the Health Department prior to the effective date of these regulations, which provides approval to operate a Body Art Establishment.
- I. **CERTIFICATE OF COMPLETION:** A document indicating the artist has successfully completed the Blood Borne Pathogens training course.
- J. **CONTAMINATED:** 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.
- K. **CONTAMINATION:** To make unfit for use by the introduction or potential introduction of blood, infectious materials or other types of impure materials.
- L. **COSMETIC TATTOOING** (permanent make-up) see TATTOOING

- M. **DISINFECTANT:** An EPA registered hospital grade disinfectant which has effectiveness against *Salmonella cholerasuis*, *Staphylococcus aureus*, and *Pseudomonas aeruginosa*, or a 1:100 dilution of 5.25% sodium hypochlorite (chlorine bleach) and water, made fresh daily, dispensed from a spray bottle, and used to decontaminate inanimate objects and surfaces.
- N. **DISINFECTION:** To destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces.
- O. **EVENT COORDINATOR:** The person responsible for obtaining health department approval for a temporary event, and the person responsible for ensuring compliance with these regulations at temporary events.
- P. **EXTENSIVELY REMODELED:** Means any major alteration of an existing configuration in a body art establishment that results in one or more of the following:
1. Addition or deletion of a body art procedure station or any area used to clean, sterilize or store body art equipment, tools and supplies;
  2. Alterations or revisions involving body art establishments or related equipment that require a building or construction permit by local building authorities;
  3. Changes or alterations that result in a reduction or increase of total space by 25% or more.
- Q. **GLOVES:** Those which are disposable and single use, and are labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy duty, multi-use, and waterproof, or those that provide equivalent protection.
- R. **HEALTH DEPARTMENT:** The Colorado Department of Public Health and Environment, or its authorized agents, and employees; and, the El Paso County Department of Health and Environment, or its authorized agents and employees.
- S. **HECTOGRAPHIC:** A copy made from a prepared gelatin surface to which the original document has been transferred.
- T. **INFECTIOUS WASTE or REGULATED WASTE:** 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.
- U. **INVASIVE:** Entry through the skin or mucosa either by incision or insertion of an instrument, body ornament, or by other means.
- V. **JEWELRY:** For purposes of these regulations, any ornament inserted into a body piercing, which must be made of surgical implant grade stainless steel; solid 14k or 18k white or yellow gold; niobium, titanium, or platinum; or, a dense, low porosity plastic that is free of nicks, scratches, or irregular surfaces.
- W. **MINOR CLIENT:** Any person under the age of eighteen (18) years who may receive body art services.
- X. **MOBILE UNIT:** An enclosed unit on wheels, which may only be used for the performance of body art services in conjunction with a temporary event approved by the health department.
- Y. **OPERATOR:** Any natural person or business entity that owns a body art establishment, and is responsible for compliance with these regulations.

- Z. **PERSON IN CHARGE:** The owner, manager, or individual(s) present at a body art establishment who is responsible for the operation at the time of the inspection. If no individual is responsible, then any employed person present is the person in charge. If multiple body artists share operation of the establishment, then each artist shall be considered a person in charge and shall be accountable for all requirements of these regulations with regard to common areas and practices in addition to his own separate areas and practices.
- AA. **PIERCING:** Puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry, or other adornment in the opening, except that puncturing of the outer perimeter or lobe of the ear with a pre-sterilized stud and clasp ear piercing system shall not be included.
- BB. **PRE-OPENING INSPECTION:** An inspection for the purpose of determining whether or not a Body Art Establishment is in compliance with the Board of Health Body Art Regulations.
- CC. **PRE-STERILIZED INSTRUMENTS:** Those that are commercially sterilized by the manufacturer. Packaging shall bear a legible sterilization lot number and expiration date.
- DD. **PROCEDURE AREA:** 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.
- EE. **SCARIFICATION:** An invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.
- FF. **SCULPTING:** A modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
- GG. **SHARPS:** All objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa including, but not limited to, single use needles, scalpel blades and razor blades.
- HH. **SHARPS CONTAINER:** A puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation and disposal and is labeled with the Universal Biological Hazard Symbol.
- II. **SINGLE-USE:** A disposable item that may only be used one time on one individual, and shall then be properly discarded.
- JJ. **STERILIZATION:** A process that results in the total destruction of all forms of microbial life, including highly resistant bacterial spores.
- KK. **STERILIZER:** An autoclave that is designed and labeled by the manufacturer as a medical instrument sterilizer and is used for the destruction of microorganisms and their spores.
- LL. **SUBSTANTIAL COMPLIANCE:** That during the most recent health and sanitation inspection by the El Paso County Department of Health and Environment no critical violations and no more than 5 violations in total were cited.
- MM. **TATTOOING:** 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.
- NN. **TEMPORARY EVENT:** An industry trade show, convention, procedural/product demonstration, educational seminar, or other similar event at which body artists perform body art services and procedures outside of a permanent body art establishment licensed by the Health Department.
- OO. **ULTRASONIC CLEANER:** A unit that is designed and labeled by the manufacturer as a medical device used to dislodge organic and inorganic material by means of high frequency sound wave oscillations transmitted through the contained unit.

PP. UNIVERSAL PRECAUTIONS: A set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B and other blood borne pathogens as defined by the Centers for Disease Control. Under Universal Precautions, blood and certain body fluids of all individuals are considered infectious.

### **SECTION 6.3: MINIMUM REQUIREMENTS FOR BODY ARTISTS**

All body artists shall comply with the following:

- A. Successfully complete training through the Health Department pertaining to these regulations, blood borne pathogens and their control. Upon completion a Certificate of Completion will be issued and shall be posted in a conspicuous place visible to patrons.
- B. Update the training required in Section 6.3:A. at a minimum of once a year.
- C. Possess and demonstrate knowledge of universal precautions, disinfection and sterilization techniques, and procedures for infection and exposure control required in Section 6.7:A., and the Infectious Waste Management Plan required in Section 6.7:B.4.
- D. Receive vaccination against hepatitis B (HBV), or provide a written statement to the manager or owner of the body art establishment stating that he declines the vaccination.

### **SECTION 6.4: MINIMUM REQUIREMENTS FOR BODY ART ESTABLISHMENTS**

- A. A completed Body Art Establishment License application shall be filed with the Health Department by any person intending to operate a Body Art Establishment in El Paso County. Such application shall be on a form supplied by the Health Department and shall include such information as the Health Department may require. No Body Art Establishment in El Paso County may operate without a license issued by the Health Department.
- B. No new or extensively remodeled Body Art Establishment shall be permitted to operate until a plan review has been conducted in accordance with Section 6.13, and the Health Department has conducted a pre-opening inspection and determined that the establishment is in compliance with the Board of Health Body Art Regulations. The Health Department may also require a pre-opening inspection and approval before issuing a license to a new operator of an existing establishment.
- C. The Health Department shall issue a Body Art Establishment License after determining that the establishment is in compliance with the Board of Health Body Art regulations, and after all related fees and any penalties due to the Health Department have been paid. The operator shall post the Body Art Establishment License in a conspicuous location. The Body Art Establishment License shall be current at all times.
- D. The body art establishment shall have a person in charge at all times during which it is open for business or during which body art is being performed who is responsible for the operation.
- E. The following information on each body artist and/or employee of a Body Art Establishment shall be on file and available for inspection by the Health Department:
  1. Full legal name.
  2. Home address.
  3. Home phone number.
  4. Proof that all body artists and/or employees handling sharps and/or infectious waste have either completed, or were offered and declined in writing, the hepatitis B vaccination series. This offering shall be included as a pre-employment requirement and comply with Section 6.3:D.

- F. The person in charge shall have access to the following information and it shall be on the premises for review by the Health Department:
1. Contract or agreement for sharps disposal and/or other infectious/regulated waste disposal.
  2. Spore test log and test results.
  3. Client records.
  4. Manufacturer's information on sterilization equipment.
  5. Infection and exposure control written procedures.

### **SECTION 6.5: CLIENT RECORDS**

- A. The person in charge shall have access to and shall maintain client records on the premises for a minimum of three (3) years. The client records shall be available for review by the Health Department.
- B. The following information shall be documented and used by the body artist to determine the client's suitability for receiving a body art procedure. In order to assure, insofar as possible, the proper healing of a client following a body art procedure, the client shall be asked to disclose if he has any of the following:
1. Diabetes.
  2. Hemophilia.
  3. Skin diseases or skin lesions.
  4. Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps, or metals.
  5. Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting.
  6. Any other medical conditions or information that may interfere with the client's healing process.
- C. A client consent form shall be completed for all procedures and shall include the following:
1. Name, address and current phone number of the client.
  2. Date of the procedure.
  3. The type of body art and where it is applied.
  4. Sterilization date of instruments used for the procedure.
  5. Lot numbers identifying each load correlating to the sterilization load log.
  6. Identification of sterilizer(s) used to sterilize any instruments used during the procedure.
  7. Documentation that before each body art procedure both written and verbal instructions regarding risks, outcome, and aftercare were given to the client including:
    - a. Name, address, and phone number of the establishment and the name of the body artist who performed the procedure;
    - b. Direction of when to consult a physician to include signs of infection, allergic reaction and expected duration of healing;
    - c. Detailed description of how to care for the body art procedure site, client and artist must sign on consent form and on written aftercare that verbal and written aftercare has been provided.
    - d. Explanation that body art should be considered permanent;
    - e. Possible side effects from the procedure; and
    - f. Name, address and phone number of the Health Department.
  8. In the case of a minor client, the following additional information shall be recorded on the client consent form:

- a. The custodial parent's or legal guardian's name and their signed statement attesting to their status as custodial parent or legal guardian of the minor client;
- b. A description or copy of documentation shown to the body artist to indicate parentage or guardianship such as an original copy of a birth certificate, or original court order of guardianship;
- c. 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 a specific body art service to be performed on the minor client.

## **SECTION 6.6: FACILITY AND OPERATIONAL REQUIREMENTS**

- A. All procedure areas and instrument cleaning areas shall have floors, walls and ceilings constructed of smooth, nonabsorbent and easily clean-able material. Outer openings shall provide protection against contamination from dust and other contaminants.
- B. Toilet facilities shall be provided and shall be made available to both patrons and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, nonabsorbent and easily clean-able material.
- C. The premises shall be maintained clean and in good repair, and be free from clutter.
- D. At least fifty (50) foot candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas.
- E. All surfaces, including, but not limited to, counters, tables, equipment, chairs, recliners, shelving and cabinets in the procedure area, instrument cleaning room, and toilet facility shall be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.
- F. Hand sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. The minimum allowable hot water temperature at hand sinks is 90° F (35° C). Hand sinks shall be easily accessible to each procedure area and shall be located so that one artist does not potentially contaminate another artist's area. Each hand sink shall be provided with soap and disposable towels or a hand-drying device providing heated air. In addition, a hand sink shall be provided in or adjacent to each toilet facility.
- G. Distinct, separate areas shall be used for cleaning equipment, wrapping/packaging equipment, and for the handling and storage of sterilized equipment.
- H. Instrument cleaning sinks, hand-washing sinks, and, where provided, utility sinks shall be separate and shall only be used for their designated purpose.
- I. Water shall be supplied from a source approved by the Health Department.
- J. Sewage, including all liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law. The sewage system, including all piping and fixtures, shall be maintained in good repair so as not to create unsanitary conditions within the establishment.
- K. Refuse, excluding infectious wastes, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health hazard.
- L. All facilities shall have a waiting area that is separate from the body art procedure area, and from the instrument cleaning, sterilization, and storage areas.
- M. Reusable cloth items shall be mechanically washed with detergent in water at a minimum of 140° F (60° C), unless an approved disinfectant is applied in the rinse cycle or the dryer uses heat above 140° F (60° C) as specified by the manufacturer. Clean cloth items shall be stored in a clean, dry environment until used. Soiled laundry shall be stored in a nonabsorbent container until removed for laundering and shall be stored separate from clean cloths.

- N. Except for service animals, no animals of any kind shall be allowed in a body art establishment, except that aquariums containing fish may be present in waiting rooms and non-procedural areas.
- O. All chemical containers shall be labeled according to contents, properly stored, and used according to label instructions.
- P. All body art establishments shall be completely separated from areas used for human habitation, food preparation, or other such activities that may contaminate work surfaces.
- Q. In establishments where body art and other procedures such as hair and fingernail care are provided, body art procedure areas must be clearly separated from such other procedure areas and maintained clean and sanitized.
- R. In new or extensively remodeled body art establishments, a conveniently located utility sink or curbed cleaning facility with a floor drain, and hot and cold water, shall be provided and used for the cleaning of mops or similar wet floor cleaning materials, and for the disposal of mop water or similar liquid wastes.
- S. Utensil washing and utility sinks with threaded faucets shall be equipped with back flow prevention devices approved by the Health Department.
  
- T. Sharps and infectious regulated waste must be handled in a manner consistent with Sections 25-15-403 and 404, C.R.S.
  - 1. Discarded sharps shall be disposed of in sharps containers.
  - 2. Infectious/regulated waste, other than sharps shall be placed in impervious, tear resistant, plastic bags, which are red in color and marked with the Universal Biological Hazard Symbol.
  - 3. Sharps and infectious/regulated waste shall be disposed of by an approved, off-site treatment facility, or waste may be treated on-site if the treatment complies with all federal, state and local requirements.
  - 4. On-site treatment requires a written plan outlining disposal as required in Section 6.7:B.4.

#### **SECTION 6.7: INFECTION AND EXPOSURE CONTROL WRITTEN PROCEDURES**

- A. Every body art establishment shall have and comply with written procedures for infection and exposure control. All procedures developed for the written plan shall be in compliance with all local and state regulations.
- B. These written procedures shall include, but are not limited to:
  - 1. Instrument cleaning and sterilization.
  - 2. Cleaning and disinfection of the procedure area(s), as required in Section 6.9:B.7.
  - 3. Universal Precautions procedures.
  - 4. An Infectious Waste Management Plan, consistent with Section 25-15-403, C.R.S., including segregation, identification, packaging, storage, transport, treatment, disposal and contingency planning for blood spills or loss of containment of infectious/regulated waste.

#### **SECTION 6.8: INSTRUMENT AND JEWELRY CLEANING AND STERILIZATION**

- A. Instrument and Jewelry Cleaning:
  - 1. All instruments and jewelry that penetrate body tissue or are utilized during the performance of body art procedures shall be properly cleaned prior to packaging and sterilization. All other instruments shall be cleaned and disinfected after each use.
  - 2. All instruments and jewelry placed in the procedure area shall be repackaged and re-sterilized.

3. Employees shall wear heavy-duty, multi-use, and waterproof gloves or gloves that provide equivalent protection while cleaning instruments.
4. Used instruments shall be soaked in a disinfectant until cleaning can be performed. The solution shall be changed at frequencies recommended by the solution manufacturer.
5. Instruments and jewelry shall be properly disassembled for cleaning according to manufacturer's recommendations.
6. All instrument components shall be cleaned of all organic material and other foreign substances, manually and in an ultrasonic cleaner using the appropriate cleaning agent specific to the type of cleaning performed.

**B. Instrument and Jewelry Packaging/Wrapping:**

1. Employees shall wear clean gloves while packaging/wrapping instruments.
2. Instruments and jewelry shall be wrapped or packaged with a sterilizer indicator on or in each package.
3. All packages shall be labeled with the date of sterilization and lot number.
4. Packages that have reached the expiration date established by the manufacturer or in the absence of such expiration date have reached a date equivalent to six months after the date of sterilization, or that have been otherwise compromised either in handling or storage will no longer be considered sterile.

**C. Instrument and Jewelry Sterilization:**

1. The sterilizer shall be designed and labeled as a medical instrument sterilizer.
2. The operators' manual for the sterilizer shall be available on the premise and the sterilizer shall be operated according to manufacturer's recommendations.
3. The sterilizer shall be cleaned and maintained according to manufacturer's specifications.
4. A sterilizer load log shall be maintained for a minimum of three years at the facility and made available for inspection. The log shall contain the following documentation for each load:
  - a. Description of instruments contained in the load;
  - b. Load Lot number
  - c. Date of sterilization load, and time or other unique identifier if more than one load is processed during a single day;
  - d. Sterilizer cycle time and temperature;
  - e. Indication of proper sterilization of instruments, as evidenced by the appropriate color indicator change on each package. Indicator used shall be compatible with the sterilization process being used; and,
  - f. Action taken when appropriate color indicator change failed to occur.

**D. Sterilizer Monitoring:**

1. Sterilizer monitoring shall be performed weekly, or as specified by the manufacturer, by using a commercial biological spore monitoring system.
2. All biological indicators shall be analyzed by a laboratory independent from the establishment.
3. Biological indicator test results shall be maintained on the premises for a minimum of three (3) years and must be available for inspection at all times.
4. Sterilizers shall be adequate and used in accordance with the manufacturer's instructions.
5. The Department may require the operator to submit copies of the weekly sterilizer monitoring results by mail, facsimile or in person.

E. Instrument / Sterilizer Recall: Instrument / Sterilizer recall practices shall include but are not limited to the following:

1. The Health Department shall be immediately notified of any positive spore test result conducted on any sterilizer in a body art establishment. A copy of the test result documenting the positive spore test result shall be provided to the Health Department within two business days.
2. In the event of a positive spore test result, or a mechanical failure of the sterilizer, the sterilizer and all items processed in the sterilizer since the time of the last negative spore test result shall be prohibited from use.
3. If possible, the cause of the positive spore test result shall be identified and resolved, but in any case, a follow-up spore test shall be conducted.
  - a. If no cause for the positive spore test is found, but the follow-up spore test indicates a negative result, the sterilizer and the items prohibited from use after the initial positive spore test result may be placed back into service.
  - b. If a cause for the positive spore test result is determined, and the problem is corrected and verified by a negative spore test, the sterilizer may be placed back into service and all items prohibited from use after the positive spore test shall be re-sterilized before being used.
  - c. If no cause for the positive spore test result can be determined and the follow-up spore test is also positive, neither the sterilizer nor the items prohibited from use after the initial positive spore test may be placed back into service.

F. Instrument Storage:

1. Hands shall be washed in accordance with Section 6.9:B.1 of these regulations prior to handling sterilized instrument packs.
2. After sterilization, the instruments shall be stored to prevent cross contamination in a dry, clean area reserved for storage of sterile instruments. Sterilized instruments shall be stored to ensure the integrity of the packaging material.

G. Single Use Items:

1. Single use items shall not be used on more than one client and shall be disposed of after the procedure.
2. Contaminated single use needles, razor blades, and other sharps shall, immediately after use, be disposed of in approved sharps containers.

### **SECTION 6.9: BODY ART PROCEDURE**

A. The following are prohibited:

1. Body art procedures performed anywhere for any reason, except within an approved body art establishment.
2. Body art procedures performed on, or by, any person who is noticeably impaired by alcohol or any other drug.
3. Smoking, eating or drinking in the body art procedure and/or instrument cleaning areas.
4. Body art procedures performed on skin surfaces that exhibit evidence of sunburn, rash, pimples, boils, infections, moles, or which manifest any evidence of unhealthy conditions.
5. Body art procedures on a minor client without the express consent from the minor's custodial parent or legal guardian as described in section 6.5:C.8.
6. Body art procedures performed on a minor without the presence of the minor's parent or legal guardian in the facility.

7. Performing body art procedures without meeting the requirements of Section 6.3 of these regulations, except that:
    - a. For a period not to exceed 100 days, a body artist who is not in compliance with Sections 6.3:A. or 6.3:B. may conduct body art services under the direct supervision of another body artist who is fully compliant with the requirements of Section 6.3.
    - b. A body artist who is not a resident of El Paso County, Colorado, may perform body art procedures at an approved temporary event, but must meet the requirements of Sections 6.10.A.3., 4. and 5. of these regulations.
- B. The following procedures shall be practiced by all body artists:
1. Thoroughly wash hands with soap and warm water for at least 15 seconds before and after each body art procedure, and after using toilet facilities. Following thorough washing, hands shall be dried using clean, disposable paper towels, or a hand-drying device providing heated air, or a device certified or classified for sanitation by the American National Standards Institute (ANSI) accredited certification program.
  2. Wear new, clean gloves for each procedure. If a glove is pierced, torn or contaminated, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of gloves.
  3. Change drapes, lap cloths or aprons between each client. If multi-use, these items shall be washed according to Section 6.6:M prior to reuse.
  4. Wear new, clean gloves while assembling instruments and supplies to be used in the procedure. All sterilized instruments shall remain in the sterile packages until opened in front of the client.
  5. Dispense all substances used in the procedures from containers in a manner to prevent contamination of the unused portion. For example, substances from multi-use containers shall be dispensed into single use portions and shall be applied to only one client.
  6. Discard single use ointment tubes, applicators and supplies after the procedure.
  7. After each client, use a disinfectant according to label instructions, and a single use paper towel to wipe all surfaces touched during the procedure. Surfaces include, but are not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets, and supplies.
- C. Procedures specific to tattooing:
1. The use of hectographic or single-use stencils shall be required for applying a tattoo outline to the skin, except that, when the design is drawn free-hand, non-toxic single use markers or other non-toxic single use devices shall be used. Multi-use stencils are prohibited.
  2. Before placing the design on the skin, the body artist shall clean the area with soap and, if necessary, shave off any hair with a disposable, single use safety razor. The area shall be treated with an antiseptic prior to stencil application.
  3. Inks, dyes, or pigments in single use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure.
  4. Excess ink, dye, or pigment applied to the skin during tattooing shall be removed with a clean single use product. Only disposable cups may be used for cleaning ink from the needle.
  5. Needles used for tattooing are designated as disposable single-use items that may only be used on one person, and shall then be properly discarded into an approved sharps container.
  6. After the procedure is completed, the area shall be covered with clean gauze or an appropriate bandage and held in place with a suitable skin tape. Materials not approved or intended for dressing wounds, including plastic wrap, shall not be used.

D. Procedures specific to body piercing:

1. The body area to be pierced shall be cleaned with soap and treated with a medical antiseptic prior to beginning the piercing procedure.
2. All body piercing needles shall be sterile, single use, and manufactured for either medical or body piercing purposes. All needles shall be disposed of immediately after use in a sharps container.
3. Only sterilized new jewelry that is in good condition shall be used in a newly pierced area, or any pierced area which has not completely healed and is free of infection.
4. Pre-sterilized stud-and-clasp systems shall be used according to manufacturer's instructions and shall only be used on the earlobe or the outer perimeter of the ear.

**SECTION 6.10: TEMPORARY EVENTS**

A. Temporary event permits are required and may be issued when:

1. The event coordinator has submitted a completed application for the temporary event to the health department at least thirty (30) days prior to the proposed start date of the temporary event.
2. The event coordinator has paid all fees required by the El Paso County Board of Health.
3. Body artists are either:
  - a. Affiliated with a body art establishment approved by the appropriate body art regulatory authority for their home jurisdiction; or,
  - b. Sponsored by the operator of a body art establishment licensed in El Paso County, provided a written sponsorship agreement is submitted to the health department with the temporary event application. The operator-sponsor will be responsible for ensuring that the body artist understands the requirements of these regulations.
4. Body artists have successfully completed no less than six (6) hours of training in an approved blood borne pathogens course. The health department may require the body artist to submit documentation that demonstrates successful completion of training that is at least equivalent to the training offered by the health department to fulfill the requirements of Section 6.3:A., 6.3:B. and 6.3:C.
5. Body artists have complied with Section 6.3:D of these regulations.
6. The health department determines that the temporary event facility is in compliance with Section 6.6 of these regulations.

B. The following conditions pertain to temporary event permits:

1. Temporary event permits shall be valid for a period of not more than seven (7) consecutive days beginning on the first day of the temporary event.
2. Temporary event permits are valid for one location and are not transferable from one place to another.
3. Temporary event permits shall be posted in a prominent location and shall be conspicuously visible to patrons.

C. Except for the following modifications, temporary events shall comply with all provisions of these regulations:

1. When permanent handwashing stations are not readily accessible, body artists may utilize temporary handwashing stations that are capable of providing a hands-free, continuous flow of potable water at a temperature of at least 70°F (21°C). All water shall be from an approved source and the water supply must be of adequate volume and pressure to facilitate proper handwashing. A minimum five (5) gallon container with a spigot allowing for gravity flow of water is acceptable. Water spigots shall be located at least twenty-five (25) inches above the floor. Liquid

soap or detergent and individual paper towels shall also be provided. Temporary hand washing stations shall be used only for handwashing and located in such a manner as to not potentially contaminate any body artist's workstation. The event coordinator must ensure that water supplies for temporary handwashing stations are replenished as needed.

2. Wastewater from temporary handwashing stations shall be collected in a bucket or similar sanitary container that will hold at least seven (7) gallons of wastewater. Such containers shall be placed on the floor directly under the spigot and shall be used for no other purpose. The event coordinator is responsible for ensuring that wastewater containers are drained into an approved sanitary sewage system as frequently as needed.
3. If it is not possible for a body artist to prepare and transport a sufficient supply of pre-sterilized and packaged instruments or disposable instruments, the event coordinator shall ensure an adequate supply of such instruments by either:
  - a. Providing an onsite sterilization room that:
    - Is separate from the public areas of the event.
    - Is equipped with a supply of hot and cold running water to adequately clean instruments.
    - Includes an instrument sterilizer that is maintained in accordance with section 6.8 of these regulations.
    - Includes adequate personal protective equipment.
    - Includes an instrument sterilizer that has passed a spore test conducted within the past seven (7) days.
    - Includes an ultrasonic cleaner.
  - b. Obtaining a written agreement from the operator of a body art establishment licensed in El Paso County, Colorado, to use the sterilization facilities within said body art establishment. The agreement shall include provisions such that:
    - The hours that the facility will be available for sterilizing temporary event instruments are clearly stated;
    - The staff of the licensed facility will be responsible for monitoring all cleaning and sterilization of instruments for the temporary event.

#### **SECTION 6.11: MOBILE UNITS**

- A. Mobile units shall be licensed body art establishments, but shall only be approved to operate in conjunction with an approved temporary event.
- B. Mobile units must receive a licensing inspection at least annually at a location determined by the Health Department. Additional inspections may be required prior to and during temporary events.
- C. In order to obtain approval to operate during a temporary event, a mobile unit operator must work with the event coordinator to ensure that their mobile unit is included in the temporary event permit application.
- D. Mobile units must comply with the following:
  1. Sections 6.3, 6.5, 6.6:A., 6.6:C., 6.6:D., 6.6:E., 6.6:F., 6.6:I., 6.6:K., 6.6:M., 6.6:N., 6.6:O., 6.6:P., 6.6:Q., 6.6:T., 6.7, and 6.9 of these regulations.
  2. If provided, any waiting area within the unit shall comply with the requirements of Section 6.6:L. of these regulations.

3. Exterior doors shall be self-closing and tight fitting. Operable windows shall have tight fitting screens of at least 16 mesh per inch or greater. Inoperable windows shall be sealed shut.
4. Sterilization of instruments and jewelry must be conducted in accordance to Section 6.8:C in its entirety.
5. The water supply tank(s) shall be designed to be easily flushed and with a drain that permits complete drainage of the tank. The potable water tank shall have no common interior partition with the wastewater tank(s) or with any other tank(s) holding any other liquids. The water tank overflow or vent shall terminate in a downward direction and shall be located and constructed so as to prevent the entrance of contaminants.
6. All wastewater shall be drained to a retention tank at least 15% larger than the total potable water storage capacity of the unit. Wastewater shall be delivered to the retention tank by means of one or more sinks or other approved plumbing fixtures, and a sealed drain pipe. Wastewater shall be discharged from the waste retention tank to an approved sewage disposal facility and flushed as often as necessary to maintain sanitary conditions.
7. The potable water tank inlet and wastewater tank outlet shall 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.
8. Restroom facilities shall be located within 200 feet from the mobile unit and shall be accessible while the mobile unit is in operation.
9. During operation, all doors shall be kept closed to help prevent contamination of surfaces within the unit.

#### **SECTION 6.12: INSPECTIONS**

- A. Inspections of body art establishments shall be conducted by the Health Department on an annual basis. Establishments not in compliance with any applicable regulation are subject to one or more follow-up inspections to be conducted at intervals deemed necessary by the Health Department.
- B. Agents of the Health Department, after proper identification, shall be permitted to enter any body art establishment during business hours for the purpose of making inspections, investigating complaints, and to determine compliance with these regulations. Said agents shall enter a procedure area only with the client's consent.
- C. Agents of the Health Department, after proper identification, shall be permitted to examine documents or true copies of documents relative to requirements of these regulations.
- D. Whenever an inspection of a body art establishment is made, the findings shall be recorded and shall describe violations that exist. A copy of the completed report shall be furnished to the person in charge by the end of the next workday following conclusion of the inspection.
- E. All body art establishments shall display, in a prominent location readily visible to customers and visitors the most recent Certificate of Inspection issued by the Health Department.

#### **SECTION 6.13: REVIEW OF PLANS**

- A. Detailed plans and specifications of a proposed new body art establishment and/or proposed extensive remodeling of a body art establishment shall be submitted to the Health Department for review and approval at least two weeks prior to the start of any construction or extensive remodeling. Approval by the Health Department of both the plans and specifications is necessary before construction begins. All revisions of approved plans and specifications shall require resubmission for approval.

- B. Contents of the plans and specifications shall demonstrate that the facility will comply with these regulations. A plan-view scale drawing of the establishment shall be provided. The plans shall include the location of all equipment, plumbing fixtures and connections, ventilation systems, and other pertinent information.
- C. Whenever the submittal of plans and specifications is required, the Health Department shall conduct a pre-opening inspection of the new or extensively remodeled body art establishment. The operator shall submit a request for a pre-opening inspection at least fourteen (14) days in advance of the date of an intended opening. After a pre-opening inspection has been conducted and the Health Department has determined that the establishment is in compliance with these regulations, a Body Art Establishment License will be issued to the establishment operator, or the remodeled portions of the establishment will be approved for use under the existing license.

#### **SECTION 6.14: PENALTIES FOR VIOLATIONS**

##### **A. Closure of Body Art Establishments:**

1. Authorized representatives of the Health Department have the power and duty in accordance with the provisions of 25-1-506(1), C.R.S., to close body art establishments, to forbid gatherings of people therein, and to exercise other control over body art establishments as they may find necessary to protect the public health and to eliminate sources of epidemic and communicable disease. Immediate closure will be used when the situation requires emergency action.
2. In order to protect individual body art customers from an unreasonable risk of contracting dermal or subdermal infections, the Health Department may order any body art establishment closed for noncompliance with any of the following sections of these regulations, unless the noncompliance is immediately corrected:
  - a. Section 6.6., F., I., J., M., N., P., or T.;
  - b. Section 6.8., in its entirety;
  - c. Section 6.9., in its entirety.
3. The Health Department shall initially notify the operator in writing of any violations observed in the establishment, and provide a reasonable period of time to achieve compliance. If after that period, the operator has not corrected the violation(s), the Health Department may seek suspension of body art services through a cease and desist order issued in accordance with the Administrative Hearing Procedure, of the El Paso County Board of Health Regulations.
4. When an operator fails to close a body art establishment after being ordered to do so in accordance with Section 6.14:A.1., 2., or 3 of these regulations, the Health Department may seek closure of the establishment through an injunction filed in the District Court.

##### **B. Civil Penalties:**

1. The Health Department shall initially notify the operator in writing of any violations observed in the establishment, and provide a reasonable period of time to achieve compliance. If after that period, the operator has not corrected the violation(s), the Health Department may assess a civil penalty not to exceed two hundred fifty dollars (\$250) per violation against the establishment operator. Each day of a violation may be considered a separate offense.
2. For civil penalty assessment purposes, notification may include any previous inspection report, or any other document from the Health Department, that informed the operator of the same noncompliant condition for which the civil penalty may be assessed, regardless of when notification was given and regardless of whether or not the noncompliant condition was initially corrected.

3. The Health Department may assess an immediate civil penalty not to exceed two hundred fifty dollars (\$250) per day against an operator or body artist for conducting body art services without approval from the Health Department.
4. Failure to pay a civil penalty assessed by the Health Department shall constitute a separate violation which shall be subject to the assessment of one or more additional civil penalty assessments.

### **SECTION 6.15: FEES**

- A. Fees, as approved by the Board of Health, shall be charged for body art establishment activities. Plan review fees shall be paid in accordance with Section 6.13 of these regulations.
- B. A Body Art Establishment License fee, as approved by the Board of Health, shall be charged to Body Art Establishment operators. Licenses shall be valid for the 12 month period beginning January 1<sup>st</sup> of each year and ending on December 31<sup>st</sup> of the same year. When a license is valid for only a portion of the aforementioned 12 month period, there shall be no reduction of the license fee. Each Body Art Establishment operator shall file a license renewal application and license fee with the Health Department no later than December 31<sup>st</sup> of each year, if the Body Art Establishment is to remain open after that date. A Body Art Establishment license is valid only for the original applicant and one location, and is not transferable in any manner.
- C. Body Art Establishment operators who were issued a Certificate of Approval after May 31<sup>st</sup>, 2006, may operate without a Body Art Establishment License until May 31<sup>st</sup>, 2008.
- D. The actual costs incurred by the Health Department for enforcement of these regulations, including reasonable oversight and overhead costs, shall be charged to and payable by the operator of the non-compliant body art establishment.
- E. A fee, as approved by the Board of Health, shall be charged to each attendee of classes offered by the Health Department to meet the requirements of Sections 6.3:A and 6.3:B of these regulations.