

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

**EL PASO COUNTY, COLORADO**

## **Chapter 6**

### **Body Art Regulations**

**El Paso County Department of Health and Environment  
301 S. Union Blvd.  
Colorado Springs, CO 80910  
(719) 578-3199**

## **CHAPTER 6**

### **BODY ART REGULATIONS**

#### **SECTION 6.1: PURPOSE**

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).
- C. **BLOODBORNE PATHOGENS:** Infectious viruses including hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
- D. **BOARD OF HEALTH:** The El Paso County Board of Health.
- E. **BODY ART:** The practice of physical body adornment by establishments or artists utilizing, but not limited to, the procedures of body piercing, tattooing, branding, sculpting and scarification. This definition does not include practices conducted by or under the supervision of a physician 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.
- F. **BODY ART ESTABLISHMENT:** Any location, whether temporary, permanent, or mobile, where the practices of body art are performed.
- G. **BODY ARTIST:** Any person who performs body art procedures.
- H. **BRANDING:** A procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.
- I. **CERTIFICATE OF COMPLETION:** A document indicating the artist has successfully completed the infection control training course offered by the Health Department.
- J. **COMMERCIALLY STERILIZED INSTRUMENTS:** Those that are pre-sterilized by the manufacturer, and in packaging that bears a label with a legible sterilization lot number, expiration date and a sterilization verification indicator.
- K. **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.
- L. **CONTAMINATION:** To make unfit for use by the introduction or potential introduction of blood, infectious materials or other types of impure materials.
- M. **DISINFECTANT:** An EPA registered hospital grade disinfectant labeled as effective against, human immunodeficiency virus (HIV) and hepatitis B virus (HBV) when used in accordance with manufacturer's instructions; or a 1: 10-1:100 dilution of 5.25% sodium hypochlorite (chlorine bleach) and water, made fresh daily and dispensed from an appropriately labeled spray bottle.
- N. **DISINFECTION:** A process that eliminates many or all pathogenic microorganisms, except bacterial spores on inanimate objects or surfaces.

- O. **EVENT COORDINATOR:** The person responsible for obtaining a Health Department license for a temporary body art event, and the person responsible for ensuring compliance with these regulations at temporary events.
- P. **EXTENSIVELY REMODELED:** Any major alteration of an existing configuration in a body art establishment that results in one or more of the following:
1. Addition or conversion of a body art procedure station or any area used to clean, sterilize or store body art equipment, tools and supplies;
  2. Changes or alterations that result in a reduction or increase of total facility space by 25% or more.
- Q. **GLOVES:** Those which are designed to be single use, never re-used, and are labeled for surgical or examination purposes. Gloves for instrument cleaning are those which are durable, multi-use and waterproof.
- R. **HEALTH DEPARTMENT:** The El Paso County Department of Health and Environment, and its authorized agents and employees.
- S. **HECTOGRAPHIC:** A copy of an image 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; items contaminated with blood or other potentially infectious materials; 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:** Any ornament inserted into the body.
- W. **MINOR CLIENT:** Any client under the age of eighteen (18) years.
- X. **MOBILE UNIT:** An enclosed unit on wheels that is readily moveable, and which may only be used for the performance of body art.
- Y. **NEEDLE: (NEEDLE APPARATUS)** An instrument and its permanently assembled components that is used to puncture the skin with the intent to create an opening for the insertion of jewelry or pigment.
- Z. **OPERATOR:** Any person or business entity who owns a body art establishment, and is responsible for compliance with these regulations.
- AA. **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, 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, as well as his own separate areas and practices.
- BB. **PIERCING:** Puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry, or other adornment in the opening.
- CC. **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.
- DD. **PROCEDURE AREA:** Any surface of an inanimate object that contacts the client's skin during a body art procedure and all surfaces on which instruments and supplies are placed during a procedure.
- EE. **SCARIFICATION:** An invasive procedure in which the intended result is the production of scar tissue in the skin.
- FF. **SCULPTING:** Modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
- GG. **SHARPS:** All objects that may purposely or accidentally cut or puncture 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 that is labeled with the Universal Biological Hazard Symbol.
- II. **SINGLE-USE:** A disposable item that is intended and designed be used one time and on one client.
- JJ. **STANDARD PRECAUTIONS:** A set of infection prevention practices that are intended to prevent transmission of infectious agents, and are based on the principle that all blood, body fluids secretions, excretions except sweat, nonintact skin and mucous membranes may contain transmissible infectious agents.

Standard Precautions are practices that apply to all clients, regardless of suspected or confirmed infection status, in a body art establishment.

- KK. **STERILIZATION:** A process that destroys or eliminates all forms of microbial life, including bacterial spores.
- LL. **STERILIZER:** An autoclave that utilizes steam as the method of sterilization and which has been designed and classified by the manufacturer as a class 2 medical instrument sterilizer and used for the destruction of microorganisms and their spores.
- MM. **TATTOOING:** The insertion of pigment under the surface of the skin or mucosa by puncture with a needle, or any other means to permanently change the color or appearance of the skin or to produce an indelible mark or figure through the skin.
- NN. **TEMPORARY EVENT:** A body art trade show, convention, procedural/product demonstration, educational seminar or other similar event that does not exceed seven (7) consecutive days, at which body artists perform body art outside of a permanent body art establishment location.
- OO. **ULTRASONIC CLEANER:** A unit 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.

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

All body artists shall comply with the following:

- A. Successfully complete an infection control training course pertaining to these regulations that is offered by the Health Department. Upon completion, a Certificate of Completion will be issued, which shall be posted in a conspicuous place visible to patrons. Infection control training shall be updated every two years. A fee, as approved by the Board of Health, shall be charged to each attendee of classes offered by the Health Department.
- B. Successfully complete and maintain Red Cross Certification or American Heart Association training in CPR (Cardio Pulmonary Resuscitation) and basic first aid every two years.
- C. Receive vaccination against hepatitis B virus (HBV), or provide a written statement to the manager or owner of the body art establishment stating that he declines the vaccination.
- D. Possess and demonstrate knowledge of these Body Art Regulations.

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

All body art establishments shall comply with the following:

- 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.
- B. New or extensively remodeled body art establishments shall not be permitted to operate until:
  - 1. A plan review has been conducted in accordance with these regulations, and;
  - 2. 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.
- C. When a body art establishment changes ownership, both the facility and its operation shall be brought into full compliance with these regulations before a license will be issued.
- D. 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.
  - 1. The operator shall post the body art establishment license in a conspicuous location.
  - 2. The body art establishment license shall be current at all times.
  - 3. 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. 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.

4. A body art establishment license is valid only for the original applicant and one location, and is not transferable in any manner.
5. Body art establishment license fees are not prorated for any period of a license year.
- E. The body art establishment shall have a person in charge at all times.
- F. The following information shall be maintained on the premises, according to the time frame specified, for review by the Health Department:
  1. Contract or agreement for sharps disposal and/or other infectious/regulated waste disposal (5 years).
  2. Spore test log and test results (3 years).
  3. Client records and consent forms (3 years).
  4. Manufacturer's information on sterilization equipment (as long as equipment is on the premises).
  5. Written infection and exposure control procedures (permanent retention).
  6. Employee records (until one year after termination), to include:
    - a. Full legal name;
    - b. Home address;
    - c. Home phone number;
    - d. For body artists or other employees who handle sharps or infectious wastes, proof that the employee either received HBV vaccine, or was offered and declined the vaccination in writing. HBV vaccination shall be included as a pre-employment requirement.
    - e. Copies of any required certifications in accordance these regulations.

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

- A. Prior to receiving a body art procedure, each client shall be requested to provide information related to medical conditions noted below, and that information should be used by the body artist to determine the client's suitability for receiving a body art procedure and shall be maintained at the body art establishment.
  1. Diabetes.
  2. Hemophilia or other bleeding disorders. Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting
  3. Skin diseases or skin lesions.
  4. Immune-compromised status.
  5. Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps, or metals.
  6. Any other medical condition that may interfere with the client's healing process.
- B. A client consent form shall be completed and signed by the client and body artist for all procedures and shall include the following information:
  1. Name, address, phone number, and age of the client.
  2. Date of the procedure.
  3. Name, address, and phone number of the establishment and the name of the body artist who performed the procedure.
  4. The type of body art and where it is applied.
  5. Sterilization date and sterilizer log lot number of instruments used for the procedure.
  6. Documentation that both written and verbal instructions regarding risks, outcome, and aftercare were given to the client including:
    - a. Direction of when to consult a physician to include signs of infection, allergic reaction and expected duration of healing;
    - b. Description of how to care for the body art procedure site;
    - c. Explanation that body art should be considered permanent;
    - d. Possible side effects from the procedure.
  7. In the case of a minor client, the consent form must also include the name, address and phone number of the parent or legal guardian, and a signed statement attesting to their status as parent or legal guardian of the minor client and providing permission for the minor client to receive the body art procedure. A copy of a state or federal photo ID of the parent or legal guardian should also be obtained.

8. A copy of the signed consent form should be provided to every 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 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.
- 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 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 100° F (38° 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 procedure 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 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 and utility sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Minimum hot water temperature shall be 100 degrees F. Sinks with threaded faucets shall be equipped with a back flow prevention device approved by the health department. These sinks shall be separate and shall be used only 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 disposal system constructed, operated and maintained according to law.
- 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 or sanitation 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 kept separate from clean cloths.
- N. No animals of any kind shall be allowed in a body art establishment, except for service animals. Fish aquariums may be present, in waiting rooms and non-procedural areas.
- O. All chemical containers shall be labeled as to its contents, properly stored, and used according to the manufacturer's 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. A body art establishment may not be located within a private residence.
- Q. In establishments where body art and other procedures such as hair and fingernail care are provided, body art procedure areas must be completely separated from such other procedure areas and maintained clean and sanitized.

- R. In all new 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. In facilities that conduct branding, ventilation systems shall provide sufficient circulation of fresh air throughout the establishment to minimize smoke and odors.
- 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 approved 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 in accordance with these regulations.

### **SECTION 6.7: TEMPORARY BODY ART EVENTS**

- A. The following conditions pertain to temporary body art events:
  - 1. A temporary event license shall be required for each temporary body art event.
  - 2. A temporary event license is valid for one location and is not transferable from one place to another.
  - 3. A temporary event license shall be posted in a prominent location and shall be conspicuously visible to patrons.
  - 4. The temporary event facility complies with these regulations.
- B. Temporary event licenses will be issued to the event coordinator when:
  - 1. The event coordinator has submitted a completed temporary event application 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. The temporary event has met all requirements of these regulations and an onsite inspection has been completed by the Health Department.
  - 4. Body artists operating at the temporary event are either:
    - a. Affiliated with a body art establishment that is licensed 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 that a written sponsorship agreement is submitted to the Health Department with the temporary event application.
- 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 shall utilize temporary handwashing stations that are capable of providing a continuous flow of warm potable water. Temporary hand washing stations shall be commercially manufactured for hand washing and approved by the department prior to the event. Hand soap and paper towels shall 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.
  - 2. Wastewater from temporary handwashing stations shall be collected in a sanitary container. The event coordinator is responsible for ensuring that wastewater is disposed in an approved sanitary sewage system as frequently as needed.
  - 3. All instruments used for a body art procedure shall be single use and commercially sterilized.
  - 4. If at any time the temporary event is not compliant these regulations, the Health Department may require the vendor or temporary event to cease all operations.

### **SECTION 6.8: MOBILE BODY ART ESTABLISHMENT REQUIREMENTS**

- A. Mobile body art establishments shall be licensed.

- B. Mobile body art establishments shall maintain a signed, written agreement between the operator of the mobile body art establishment and an operator of a fixed-location body art establishment that also has a valid body art establishment license. The agreement shall include following:
  - 1. Means for obtaining fresh water for the mobile body art establishments.
  - 2. Means for disposal of all wastewater from the mobile body art establishments.
  - 3. Hours that fixed-location body art establishment is available for use by the mobile body art establishments.
  - 4. Any other services to be rendered to the mobile body art establishments by the fixed-location body art establishment.
- C. Agreements between mobile body art establishments and fixed-location body art establishments must be renewed annually.
- D. Mobile body art establishments shall receive an annual inspection at the fixed-location body art establishment with which they have a written agreement.
- E. To operate at a temporary body art event, a mobile body art establishment must be included in the temporary event license application submitted by the event coordinator.
- F. Except for the following modifications, mobile body art establishments shall comply with all provisions of these regulations
  - 1. 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.
  - 2. The water supply system shall utilize a water storage tank that is approved for the storage of potable water. The tank shall:
    - a. Be designed to be easily flushed and with a drain that allows for complete evacuation of the tank.
    - b. Have no common interior partition with the wastewater tank(s) or with any other tank(s) or containers holding any other liquids.
    - c. Have an overflow or vent that terminates in a downward direction, which is located and constructed so as to prevent the entrance of contaminants.
  - 3. All wastewater shall:
    - a. Be drained to a retention tank that is at least 15% larger than the total capacity of the potable water storage tank(s); and which utilizes a drain that is designed to allow for complete evacuation of the tank. The wastewater retention tank shall be flushed as often as necessary to maintain sanitary conditions.
    - b. Be collected through sinks or other approved plumbing fixtures that drain into a system of sealed drainage piping, which flows directly into the wastewater retention tank.
    - c. Be discharged from the waste retention tank to an approved sewage disposal facility.
  - 4. 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.
  - 5. There shall be no cross connections between the potable water system and any other system.
  - 6. Restroom facilities shall be convenient and accessible while the mobile unit is in operation.

## **SECTION 6.9: INFECTION AND EXPOSURE CONTROL WRITTEN PROCEDURES**

- A. Every body art establishment shall develop written procedures for infection and exposure control that are approved by the Health Department.
- B. Written procedures shall include:
  - 1. Instrument cleaning and sterilization.
  - 2. Cleaning and disinfection of the procedure area(s), as required in these regulations.
  - 3. Storage and disposal of sharps.
  - 4. Standard Precautions procedures to include handwashing and use of personal protective equipment.
  - 5. Procedures for managing potential or known exposures to bloodborne pathogens.
  - 6. Chemical storage and safety.

7. Injury prevention.
8. Sick employee policy.
9. 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 6.10: NONDISPOSABLE INSTRUMENT AND JEWELRY CLEANING AND STERILIZATION**

**A. Instrument and jewelry cleaning**

1. All non-disposable instruments used during the performance of body art procedures and jewelry or equipment used for initial piercing or stretching shall be properly cleaned and sterilized.
2. All unused instruments placed in the procedure area during a procedure shall be repackaged and re-sterilized.
3. 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.
4. Employees shall wear the following while cleaning instruments:
  - a. Heavy-duty, multi-use, and waterproof gloves;
  - b. Face protection that covers the mouth, nose and eyes;
  - c. Garment protection in the form of disposable aprons and sleeves.
5. Instruments and jewelry shall be disassembled for cleaning according to manufacturer's recommendations.
6. All instrument components shall be cleaned of organic material and other foreign substances manually under the surface of a water bath so as to minimize spray of any infectious materials.
7. All manually cleaned instruments shall also be cleaned in an ultrasonic cleaner using the appropriate cleaning agent specific to the type of cleaning performed. Ultrasonic cleaners shall:
  - a. Be capable of heating the cleaning solution;
  - b. Be loaded in accordance with the manufacturer's instructions;
  - c. Be covered with an approved tight fitting lid while in use;
  - d. Not be in operation while sterile packages are being handled in rooms where clean instrument handling is taking place;
  - e. Not be operated in procedure areas.
8. Instruments shall be rinsed clean of any detergents and cleaning residue and air dried prior to packaging.
9. Cleaning tools shall be rinsed clean, treated with a disinfectant and stored in a manner that minimizes contamination of work surfaces.

**B. Instrument and jewelry packaging and wrapping**

1. Employees shall wear single use gloves while packaging or 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. Packages may not be considered sterile six months after the date of sterilization.
4. Commercially sterilized instrument packages that have reached the expiration date established by the manufacturer, or that have otherwise been compromised either in handling or storage, will no longer be considered sterile.

**C. Sterilizer**

1. Sterilizers shall be of adequate capacity to accommodate the needs of the establishment.
2. The operator's manual for the sterilizer shall be available on the premises and the sterilizer shall be operated according to manufacturers 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 one year 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. Date of sterilization load, and time or other unique identifier if more than one load is processed during a single day;
  - c. Sterilizer cycle time and temperature;
  - d. Indication of proper sterilization of instruments, as evidenced by the appropriate color indicator change on each package;
  - e. Action taken when appropriate color indicator change failed to occur.
- D. Sterilizer Monitoring
1. Sterilizer monitoring shall be performed every two weeks, unless more frequent monitoring is specified by the manufacturer, by means of a commercial biological monitoring (spore) system.
  2. All biological indicators shall be analyzed by a laboratory independent from the establishment.
  3. Biological indicator test results shall be maintained on the premises for a minimum of three (3) years and must be available for inspection at all times.
  4. The Health Department may require the operator to submit copies of the sterilizer monitoring results by mail, email, 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 notified within 48 hours of any positive spore test result conducted on any sterilizer in a body art establishment.
  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. The cause of the positive spore test result shall be investigated and resolved, and a follow-up spore test shall be conducted.
    - a. If no cause for the positive spore test is found, and the follow-up spore test indicates a negative result, 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;
    - 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, the sterilizer shall be prohibited from use. The items prohibited from use may be used after being properly sterilized.
- F. Instrument Storage
1. Hands shall be washed in accordance these regulations and single use gloves shall be donned prior to handling sterilized instrument packs.
  2. After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterile instruments. Sterilized instruments shall be stored in a manner to prevent cross contamination and ensure the integrity of the packaging material.
- G. Single Use Items
1. Single use items shall be stored in a clean and dry manner.
  2. Single use items shall be handled in a manner that prevents contamination.
  3. Single use items shall not be used on more than one client and shall be disposed of after the procedure.
  4. Immediately after use contaminated single use needles, razor blades, and other sharps shall be disposed of in an approved sharps container.

## **SECTION 6.11: BODY ART PROCEDURE**

### A. The following are prohibited:

1. Body art procedures performed anywhere outside of an approved body art establishment.
2. Body art procedures performed on, or by, any person who is noticeably impaired by alcohol or an illegal drug.
3. Smoking, eating or drinking in the body art procedure and instrument cleaning areas.

4. Body art procedures performed on skin surfaces that exhibit evidence of sunburn, rash, pimples, boils, infections, or which manifest any evidence of unhealthy conditions.
  5. Body art procedures on a minor without the express consent from the minor's custodial parent or legal guardian as described in these regulations.
  6. Performing body art procedures without meeting the requirements of Section 6.3 of these regulations, except that for a period not to exceed 100 days, a body artist who is not in compliance with Sections 6.3:A or B may conduct body art services under the direct supervision of another body artist who is fully compliant with 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 20 seconds before and after each body art procedure, and after using toilet facilities. Hands shall be dried using clean, disposable paper towels, or a hand-drying device providing heated air.
  2. Single use gloves shall be worn for each procedure. If a glove is previously used, 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 barriers, drapes, lap cloths or aprons between each client. If multi-use, these items shall be washed according to these regulations prior to reuse.
  4. Single use gloves shall be worn while obtaining and 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. Needles used for tattooing or body piercing shall be sterile, single-use, and manufactured for tattooing or medical or body piercing purposes. All needles shall be disposed of immediately after use in a sharps container.
  6. Dispense all substances used in procedures from containers in a manner that prevents contamination of the unused portions. Portions shall be used for only one client.
  7. Immediately following each body art procedure, all dispensed substances, single use items, and disposable supplies shall be placed into a biohazard waste container; a utility sink drain may be used for the disposal of liquid substances.
  8. After each procedure, use an approved disinfectant according to label instructions and single use paper towels to wipe all exposed surfaces in the procedure area. Surfaces include counters, tables, equipment, chairs, recliners, shelving, cabinets, and containers.
- C. Procedures specific to tattooing
1. The use of hectographed or single-use stencils shall be required for applying a tattoo outline to the skin, unless the design is drawn free-hand, then 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. 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.
  4. After a procedure is completed, the affected area shall be covered with an appropriate gauze or bandage and held in place with suitable medical tape or wrap.
- D. Procedures specific to body piercing
1. Prior to beginning the piercing procedure, the body area to be pierced shall be cleaned with soap or a medical antiseptic prior to the procedure. The use of topical antiseptics shall be in compliance with the manufacturer's label instructions.
  2. Only sterilized jewelry that is in good condition shall be used. Jewelry surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds and metals. In an initial piercing or stretching, the jewelry or equipment used must meet one of the following standards:
    - a. Steel that is ASTM F-138 compliant or ISO 5832-1 compliant;
    - b. Steel that is ISO 10993-6, 10993-10, and/or 10993-11 (EEC nickel directive compliant);

- c. Titanium (Ti6A14V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant;
  - d. Titanium that is ASTM F-67 compliant;
  - e. Solid 14 karat or higher nickel-free white or yellow gold;
  - f. Solid nickel-free platinum alloy;
  - g. Niobium (Nb);
  - h. Fused quartz glass, lead-free borosilicate or lead-free soda lime glass;
  - i. Polymers (plastics) as follows:
    - Polytetrafluoroethylene (PTFE) that is ASTM F754-00
    - Any plastic material that is ISO 10993-6, 10993-10 and/ or 10993-11 compliant and/or meets the United States Pharmacopeia (USP) class VI material classification
3. Manufacturer information, including but not limited to mill specification sheets, shall be available for review to verify that jewelry meets those standards.

### **SECTION 6.12: REVIEW OF PLANS**

Operators of new or extensively remodeled body art establishments shall submit a plan review application and supporting documents to the Health Department prior to construction. Applications are obtained from the Health Department. A minimum of two weeks shall be necessary for the Health Department to review the plans. A plan review fee, as approved by the Board of Health, will be charged and shall be paid before plans will be reviewed. All revisions of the approved plans and specifications shall require resubmission for approval. The operator shall submit a request for a pre-opening inspection at least seven (7) days in advance of the date of an intended opening.

### **SECTION 6.13: INSPECTIONS**

- A. Inspections of body art establishments shall be conducted by the Health Department at least annually. 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. Inspections shall also be conducted as deemed necessary by the Health Department in response to complaints or other public health investigations.
- B. A pre-opening inspection shall be completed by the Health Department to determine if a new establishment is in compliance with these regulations. Then, at least one routine inspection will be required each year in accordance with these regulations.
- C. At a change of ownership, the new owner shall submit a license application, pay appropriate fees, and a pre-opening inspection shall be conducted to determine if the facility is in compliance before a license may be issued. If a change of ownership results in an extensive remodel of the facility, then a plan review shall be required.
- D. Agents of the Health Department, after presenting proper identification, shall be permitted to enter any body art establishment during business hours for the purpose of conducting inspections, investigating complaints, examining required documents, and to determine compliance with these regulations.
- E. Whenever an inspection of a body art establishment is conducted, the findings shall be recorded and a copy of the completed report shall be furnished to the person in charge.
- F. All body art establishments shall display a copy of the most recent inspection report issued by the Health Department in a location readily visible to the public.

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

- A. Closure of Body Art Establishments
  - 1. In accordance with the provisions of Section 25-1-506(3)(b)(V),(VI),(VII), and (VIII), C.R.S., the Health Department has the power and duty 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 to protect public health.

2. 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., Facility and Operational Requirements: F., I., J., M., P., or T.;
    - b. Section 6.10., Non Disposable Instrument Cleaning and Sterilization, in its entirety;
    - c. Section 6.11., Body Art Procedures, in its entirety.
  3. The Health Department shall 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 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 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 previously 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 a body art establishment license issued by 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.
- C. The actual costs incurred by the Health Department for enforcement of these regulations, including reasonable oversight and overhead costs, may be charged to and payable by the operator of the non-compliant body art establishment.