

# **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**

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 these Regulations for the purpose of establishing the safe and sanitary practice of body art in El Paso County, including the physical environment where body art is performed and the equipment used in body art procedures.

#### **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 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 ART PRACTITIONER:** 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. **COMMERCIALLY STERILIZED INSTRUMENTS:** Instruments used in body art procedures 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.
- 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. **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 : 32 dilution of 8.25% sodium hypochlorite (chlorine bleach) and water, made fresh daily and dispensed from an appropriately labeled spray bottle.

- M. **DISINFECTION:** A process that eliminates many or all pathogenic microorganisms, except bacterial spores on inanimate objects or surfaces.
- N. **EPCPH:** El Paso County Public Health.
- O. **EVENT COORDINATOR:** The person responsible for obtaining an EPCPH license for a temporary body art event, and the person responsible for ensuring compliance with these Regulations at temporary events.
- P. **EXTENSIVE REMODEL:** Any major alteration of the existing premises of 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 establishment space by 25% or more.
- Q. **GLOVES:** Gloves used in body art procedures 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. **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.
- S. **INVASIVE:** Involving entry through the skin or mucosa either by incision or insertion of an instrument, body ornament, or by other means.
- T. **JEWELRY:** Any ornament inserted into the body.
- U. **MINOR CLIENT:** Any client under the age of eighteen (18) years.
- V. **MOBILE UNIT:** An enclosed unit on wheels that is readily moveable, and which may only be used for the performance of body art procedures.
- W. **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.
- X. **OPERATOR:** Any person or business entity who owns a body art establishment, and is responsible for compliance with these Regulations.
- Y. **PERSON IN CHARGE:** The operator, manager, or individual present at a body art establishment who is responsible for the operation at the time of the inspection. If no identified individual is responsible, then any employed person present is considered the person in charge. If multiple body artist practitioners share operation of the establishment, any or all 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 the individual's own separate areas and practices.
- Z. **PIERCING:** Puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry, or other adornment in the opening, including performances involving suspension.
- AA. **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.
- BB. **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 body art procedure.
- CC. SCARIFICATION: An invasive procedure in which the intended result is the production of scar tissue in the skin.
  - DD. SCULPTING: Modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
  - EE. 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.
  - FF. SHARPS CONTAINER: A puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation and disposal and that is labeled with the Universal Biological Hazard Symbol.
  - GG. SINGLE-USE: A disposable item that is intended and designed be used one time and on one client.
  - HH. 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 of a body art establishment, regardless of suspected or confirmed infection status, in a body art establishment.
  - II. STERILIZATION: A process that destroys or eliminates all forms of microbial life, including bacterial spores.
  - JJ. 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.
  - KK. SUSPENSION: Performance body art which utilizes multiple hooks or similar implements to pierce skin for the purpose of hanging a person in mid-air using a framework and cables. Piercing implements are temporary and are inserted just prior to suspension and removed shortly thereafter.
  - LL. 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.
  - MM. TEMPORARY EVENT: A body art trade show, convention, procedure or product demonstration, educational seminar or other similar event that does not exceed seven (7) consecutive days, at which body art practitioners perform body art outside of a permanent body art establishment location.
  - NN. 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: LICENSING OF BODY ART ESTABLISHMENTS**

- A. General Provisions
  1. All body art establishments must have a valid license issued by EPCPH.
  2. Body art establishment licenses are valid for a calendar year, from January 1 to December 31 of the year of issuance, regardless of the date of issuance. License fees shall not be pro-rated.
  3. Body art establishment licenses shall be posted in a conspicuous location on the

premises of the body art establishment.

4. Body art establishment licenses are valid only for the location and ownership originally approved. A change of location or ownership requires application for a new license.
- B. New Licenses
1. Any person intending to own or operate a body art establishment that has not been previously licensed or that has an expired license must submit a new license application, supporting documentation such as construction plans, and all applicable fees to EPCPH before commencing construction or allowing any body art procedures to be performed.
  2. Upon receipt of a completed application, supporting documentation and all applicable fees, EPCPH shall conduct a plan review and a pre-operational inspection.
  3. A new license shall be issued upon a finding that the body art establishment complies with these Regulations.
- C. Renewals
1. Applications for renewal of a body art establishment license and the applicable fee must be received no later than December 31 of the current license year.
  2. Body art establishments that have not submitted a renewal application and all applicable fees by December 31 of the current license year must immediately suspend operation of the body art establishment upon expiration of the license and apply for and receive a new license in order to resume operation.
  3. Body art establishments that have submitted a renewal application and all applicable fees by December 31 of the current license year may continue to operate until EPCPH has acted upon such application.
- D. Extensive Remodels
1. A body art establishment wishing to conduct an extensive remodel of its premises, as defined in these Regulations, must submit a plan review application, supporting documentation and all appropriate fees to EPCPH before commencing construction.
  2. Upon receipt of a completed application, supporting documentation and all appropriate fees, EPCPH shall conduct a plan review and shall approve such application upon a finding that the extensive remodel complies with these Regulations.

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

- A. Only body art practitioners who meet the following requirements may practice or provide body art procedures in El Paso County:
1. Successful completion of an OSHA-approved blood borne pathogen course. EPCPH may conduct such training in a classroom setting as it deems necessary.
  2. Demonstration of adequate knowledge of these Regulations by achieving a score of at least 80% on a written examination administered by EPCPH.
  3. Successful completion of American Red Cross Certification in Basic First Aid. First aid training provided by other organizations equivalent to that of the American Red Cross may be approved by EPCPH on an individual basis.
  4. Vaccination against hepatitis B virus (HBV), or provision of a written, signed statement to the manager or owner of the body art establishment stating that vaccination is declined due to personal or religious beliefs.
- B. Notwithstanding the foregoing, body art practitioners who have completed infectious disease control training within the two years preceding adoption of these Regulations may

defer compliance with paragraphs A.2 and A.3 above until such time as they must retake such infectious disease control training pursuant to paragraph C below.

- C. Body art practitioners must complete the requirements set forth in paragraphs A.1 through A.3 above at least every two years. If more than two years lapse since the time of completion of any one of those three requirements, the body art practitioner may not perform body art procedures until all requirements are current.
- D. Body art practitioners shall be responsible for any fee charged by EPCPH for training required in paragraph A.1 above or administration of the written examination required in paragraph A.3 above.

#### **SECTION 6.5: GENERAL REQUIREMENTS FOR BODY ART ESTABLISHMENTS**

- A. Only body art practitioners meeting the requirements of Section 6.4 of these Regulations shall be permitted to perform body art procedures.
- B. A person in charge shall be present at all times a body art establishment is open for business.
- C. The following information shall be maintained on the premises, according to the time frame specified, for review by EPCPH:
  - 1. Contract or agreement for sharps disposal and/or other infectious/regulated waste disposal (past 5 years).
  - 2. Spore test log and test results (past 3 years).
  - 3. Client records and consent forms (past 3 years).
  - 4. Manufacturer's user's manual for sterilization and ultrasonic 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 each body art practitioner, copies of current compliance with Sections 6.4.A.1 through 6.4.A.3 above;
    - e. For body art practitioners or other employees who handle sharps or infectious wastes, proof of HBV vaccination, or a written, signed statement by the individual which declines the vaccination due to personal or religious beliefs.
    - f. Copies of any required certifications in accordance with these Regulations.
- D. All body art establishments shall provide and update as needed a working electronic mail address to EPCPH, to which inspection reports, license renewal notifications and other correspondence may be sent.

#### **SECTION 6.6: CLIENT RECORDS**

- A. To assure, insofar as possible, proper healing following a body art procedure, each client shall be requested to provide information related to certain medical conditions which may affect the healing process. The following information shall be documented and maintained at the body art establishment in a secure manner so as to maintain the privacy of the client, and only used by the body art practitioner to determine the client's suitability for receiving a body art procedure.
  - 1. Diabetes.

2. Hemophilia or other bleeding disorders.
  3. Skin diseases or skin lesions.
  4. Immune-compromised status.
  5. Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps, or metals.
  6. Treatments with anticoagulants or other medications that thin the blood and/or interfere with blood clotting.
  7. Any other medical condition that the body art practitioner or establishment operator may deem necessary.
- B. A client consent form shall be completed and signed by the client and body art practitioner for all body art 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 body art establishment and the name of the body art practitioner who performed the procedure.
  4. A description of the type of body art and where it was 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 regarding 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.
    - e. In the case of a minor client, the consent form shall include the name, address and phone number of the minor client's parent or legal guardian, and the following documents shall be attached:
      - A statement, signed by the parent or legal guardian, 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(s)
      - A copy of a state or federal photo ID of the parent or legal guardian
      - A copy of a state, federal or school-issued photo ID of the minor client
      - A copy of a court-issued letter of guardianship, if the person granting permission is the minor client's guardian
  7. A copy of the signed consent form shall be provided to the client.

### **SECTION 6.7: ESTABLISHMENT AND OPERATIONAL REQUIREMENTS**

- A. The premises, including outdoor areas utilized by the body art establishment or its patrons, shall be clean and maintained in good repair.
- B. All body art procedure areas and instrument cleaning areas shall utilize floors, walls, ceilings and other constructed surfaces which are smooth, durable, nonabsorbent and easily cleanable. Body art procedure areas shall be designed for use by no more than two body art practitioners and shall be separated by walls, partitions, or other means approved by EPCPH.
- C. Windows, doors and other openings to the exterior of the body art establishment shall provide protection against contamination from pests and contaminants by use of 16 mesh

- per inch screens, self-closing devices, or other effective means approved by EPCPH.
- D. Toilet facilities shall be provided for the use of clients and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, durable, nonabsorbent and easily cleanable materials.
  - E. At least fifty (50) foot-candles of artificial light shall be provided at the level where body art procedures are performed and in instrument cleaning and sterilization areas.
  - F. All surfaces in body art procedure areas and instrument cleaning areas, including, but not limited to, counters, tables, equipment, chairs, recliners, shelving and cabinets shall be made of smooth, durable, nonabsorbent materials. The surfaces of any decorative items located in body art procedure areas shall be smooth, nonabsorbent and easily cleanable.
  - G. Handwashing sinks shall be easily accessible and conveniently located within each body art practitioner's procedure area and in toilet rooms. Handwashing sinks shall be used for hand washing only. With EPCPH approval, a single, centrally located handwashing sink may be installed in a body art procedure area shared by no more than two body art practitioners. Body art establishments which are not in compliance with this requirement, but were licensed prior to the effective date of these Regulations, will not be required to install additional handwashing sinks until such time that the body art establishment changes ownership or requests a plan review for an extensive remodel.
    - 1. Handwashing sinks in a body art practitioner's procedure area shall be installed to prevent the potential contamination of any other body art practitioner's procedure area.
    - 2. Each hand sink shall provide water a temperature of at least 100°F (38°C) by means of a mixing valve or combination faucet.
    - 3. Any self-closing, slow-closing or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet.
    - 4. Each hand sink shall be provided with soap and either dispensed, disposable paper towels or a hand-drying device which provides a flow of heated air.
    - 5. Portable handwashing sinks are not allowed, except as provided by Section 6.12.B.1 of these Regulations.
  - H. Distinct, separate areas shall be used for cleaning equipment, wrapping or packaging equipment, and for the handling and storage of sterilized equipment. Such areas shall be located or configured to prevent the contamination of other areas.
  - I. 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°F (38°C). Sinks with threaded faucets shall be equipped with a back flow prevention device approved by EPCPH. These sinks shall be separate and shall be used only for their designated purpose.
  - J. Water shall be supplied from a public water system source approved by the Colorado Department of Public Health and Environment, or from a non-public water system approved by EPCPH.
  - K. Sewage, including all liquid wastes, shall be directly discharged to a sanitary sewer or to an approved onsite wastewater treatment system constructed, operated and maintained according to law.
  - L. 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.
  - M. All body art establishments shall have a waiting area that is separate from the body



- art procedure area and from the instrument cleaning, sterilization, and storage areas.
- N. 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.
  - O. Except for service animals or fish in aquariums located in waiting rooms or non-procedure areas, no animals are allowed in body art establishments.
  - P. Each chemical container shall be labeled as to its contents, properly stored, and used according to the manufacturer's label instructions. Safety Data Sheets (SDS) shall be maintained at the body art establishment for each product used for body art procedures, disinfection, sterilization and cleaning. These products must be stored according to the SDS provided.
  - Q. All body art establishments shall be completely separated from areas used for human habitation, food preparation, or other activities that may contaminate work surfaces. A body art establishment may not be located within a private residence.
  - R. 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 other procedure areas. 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 body art establishments 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 6.8: INFECTION AND EXPOSURE CONTROL WRITTEN PROCEDURES**

- A. Every body art establishment shall develop written procedures for infection and exposure control that are approved by EPCPH and include provisions for the following:
  - 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 6.9: REQUIREMENTS FOR 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 body art 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. Body art practitioners and 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 manually 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 body art 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, shall 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 establishment 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 monthly, 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 at the establishment for a minimum of three (3) years and must be available for inspection at all times.
  - 4. EPCPH may require a body art establishment to submit copies of the sterilizer monitoring results by mail, email, facsimile or in person.
- E. Instrument Sterilizer Recall Practices.
  - 1. EPCPH 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 with 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 body art procedure.
4. Immediately after use contaminated single-use needles, razor blades, and other sharps shall be disposed of in an approved sharps container.

**SECTION 6.10: BODY ART PROCEDURES**

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, drugs or any other substance.
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 6.4 of these Regulations, except that for a period not to exceed 100 days, a body art practitioner who is not in compliance with Sections 6.4.A or B may perform body art procedures under the direct supervision of another body art practitioner who is fully compliant with these Regulations.

B. The following procedures shall be practiced by all body art practitioners:

1. Thoroughly wash hands with soap and warm water for at least 20 seconds before and after each body art procedure, and after using the toilet. 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 body art procedure. If a glove has been previously used, or 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 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 body art 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 body art 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 waste container lined with an appropriate trash bag; 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. In addition to the procedures required by Section 6.10.B above, the following procedures shall be practiced by body art practitioners while performing tattooing procedures:
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, in which case 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 art practitioner 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. In addition to the procedures required by Section 6.10.B above, the following procedures shall be practiced by body art practitioners while performing piercing procedures, including suspensions:
1. Prior to beginning the piercing procedure, the body area to be pierced shall be cleaned with soap or a medical antiseptic. The use of topical antiseptics shall be in compliance with the manufacturer's label instructions.
  2. Only sterilized jewelry or equipment that is in good condition shall be used. Jewelry and equipment surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds and metal fragments. 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 (Ti6Al4V 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 6.11: MOBILE BODY ART ESTABLISHMENT REQUIREMENTS**

- A. License Requirements
1. Each mobile body art establishment shall obtain its own body art establishment license in compliance with, and subject to, the provisions of Section 6.3 above.
  2. Mobile body art establishments shall maintain a signed, written agreement with a licensed fixed-location body art establishment and provide a copy of such agreement with each license application. The agreement shall include the following:
    - a. Means for obtaining fresh water for the mobile body art establishment.
    - b. Means for disposal of all wastewater from the mobile body art establishment.
    - c. Hours that the fixed-location body art establishment is available for use by the mobile body art establishment.
    - d. Any other services to be rendered to the mobile body art establishment by the fixed-location body art establishment.
    - e. Agreements between mobile body art establishments and fixed-location body art establishments must be renewed annually.
- B. Mobile body art establishments shall receive an annual inspection at the fixed-location body art establishment with which they have a written agreement.
- C. 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.
- D. 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 and plumbing constructed of materials that are approved for use with 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 6.12: TEMPORARY BODY ART EVENTS**

- A. License Requirements
  1. A temporary event license shall be required for each temporary body art event.
  2. The event coordinator must submit a complete temporary event application, any supporting documentation and all applicable fees to EPCPH at least thirty (30) days prior to the start date of the temporary event. EPCPH shall then conduct a pre-opening inspection and shall issue a license upon a finding that the temporary event complies with these Regulations.
  3. A temporary event license is valid only for the location identified in the application.
  4. A temporary event license shall be posted in a prominent location on the premises and shall be conspicuously visible to patrons.
  5. The event coordinator shall ensure that all body art practitioners performing body art procedures at the temporary event meet the following requirements:
    - a. Completion of infectious disease control training in their home jurisdiction within the two years prior to the last day of the temporary event.
    - b. Affiliation with a body art establishment licensed by their home jurisdiction, or sponsorship by a body art establishment licensed by EPCPH, provided that a written sponsorship agreement and proof of infectious disease control training is submitted with the temporary event application.
- B. 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 art practitioners shall utilize temporary handwashing stations that are capable of providing a continuous flow of warm potable water. Temporary handwashing stations shall be commercially manufactured for hand washing and approved by EPCPH prior to the event. Hand soap and paper towels shall be provided. Temporary handwashing stations shall be used only for handwashing and located in such a manner as to not potentially contaminate any body art practitioner's workstation. With EPCPH approval, a single, centrally located temporary handwashing sink may be installed in a body art procedure area shared by no more than two body art practitioners.
  2. Wastewater from temporary handwashing stations shall be collected in a sanitary container. The event coordinator shall ensure 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 in compliance with these Regulations, EPCPH may require the vendor or temporary event to immediately cease all operations.

### **SECTION 6.13: INSPECTIONS**

- A. Inspections of licensed body art establishments shall be conducted by EPCPH 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 EPCPH. Inspections shall also be conducted as deemed necessary by EPCPH in response to complaints or other public health investigations.
- B. A follow-up inspection fee, as approved by the Board of Health, shall be charged to the establishment operator whenever a follow-up inspection is conducted by EPCPH to verify compliance with these Regulations.
- C. Agents of EPCPH, 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 determining compliance with these Regulations.
- D. EPCPH shall furnish a copy of the written findings of each inspection by electronic mail or personal service. If any violations are noted, the body art establishment shall be given a reasonable time to come into compliance, unless immediate closure is warranted pursuant to Section 6.14.B below. Failure to correct violations within the time provided may result in a hearing for license suspension or revocation or for the imposition of civil penalties or both.
- E. All body art establishments shall display a copy of the most recent inspection report issued by EPCPH in a location readily visible to the public.

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

- A. License Suspension and Revocation
  - 1. After any inspection of a body art establishment that reveals a violation of these Regulations, EPCPH may schedule a hearing to consider suspension or revocation of any license issued pursuant to these Regulations, imposition of a civil penalty, or both.
  - 2. Such hearing shall be conducted in accordance with the Administrative Hearing Procedure set forth in Chapter 4 of the Regulations of the El Paso County Board of Health. Specifically, the body art establishment shall be provided with written notice of the hearing and the alleged violations and shall be given an opportunity to present evidence on its own behalf at such hearing.
  - 3. Notwithstanding the previous paragraph, the body art establishment shall be provided with a determination at the conclusion of the hearing as to whether a violation of these Regulations has occurred and, if so, the nature and extent of the penalty. Written findings and orders shall be subsequently issued pursuant to the Administrative Hearing Procedure.
  - 4. Upon a finding that a violation of these Regulations has occurred, the license may be suspended for a determinate period, suspended until the body art establishment comes into compliance with these Regulations as verified by EPCPH, or revoked. EPCPH also has the authority to impose civil penalties pursuant to Section 6.14.C below in lieu of, or in addition to, suspension or revocation of the license.
  - 5. If a license is suspended or revoked, the body art establishment shall immediately cease operation.
  - 6. If a license is revoked, the same licensee, or a proposed licensee owned by the same



person or persons that owned the licensee of the revoked license, may not apply for a new body art establishment license of any kind until at least sixty (60) days have passed since the effective date of revocation.

B. Immediate 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., EPCPH 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 without a hearing may be used when the situation requires emergency action to protect public health.
2. EPCPH may order that a body art establishment immediately close following an inspection that identifies noncompliance with any of the following sections of these Regulations, until such time as the violation corrected:
  - a. Section 6.3.A.1, Licensing of Body Art Establishments
  - b. Section 6.7., Establishment and Operational Requirements: G., J., K., or Q.;
  - c. Section 6.9., Non Disposable Instrument Cleaning and Sterilization, in its entirety;
  - d. Section 6.10., Body Art Procedures, in its entirety.

C. Civil Penalties

1. EPCPH 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), EPCPH 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 EPCPH 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. EPCPH may assess an immediate civil penalty, not to exceed two hundred fifty dollars (\$250) per day, against an operator of a body art establishment that is not licensed by EPCPH.
4. Failure to pay a civil penalty assessed by EPCPH shall constitute a separate violation which shall be subject to the assessment of one or more additional civil penalty assessments.

D. The actual costs incurred by EPCPH for enforcement of these Regulations, including reasonable oversight and overhead costs, may be charged and payable by a body art establishment found to be in violation of these Regulations.

E. If an operator fails to comply with an order for an immediate closure, of license suspension or revocation, or an order for payment of a civil penalty, issued in accordance with these Regulations, EPCPH may seek compliance with such order through an injunction filed in the District Court.