

SB

34

SFIN

FILE

FISCAL NOTE

REPORTED OUT OF
SFC 3/31/00

BILL NO. CSSB 34 (FIN)

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) 03/31/00 Dept. Affected Community & Econ. Dev.
 Title An Act relating to tattooing and body piercing... BRU Occupational Licensing
 Component Occupational Licensing
 Sponsor Senator Ellis
 Requester Senate Finance Component Serial No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	5.1	5.1	5.1	5.1	5.1	5.1
Travel	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	8.5	5.5	5.5	5.5	5.5	5.5
Supplies	1.5	1.5	1.5	1.5	1.5	1.5
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	16.1	13.1	13.1	13.1	13.1	13.1

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	29.2	0.0	26.2	0.0	26.2	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1002 GF Match						
1004 GF						
1005 GF/Program Receipts	16.1	13.1	13.1	13.1	13.1	13.1
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	16.1	13.1	13.1	13.1	13.1	13.1

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSSB 34 (FIN) establishes licensing of individuals who practice tattooing or body piercing to be regulated by the Board of Barbers and Hairdressers. Like all licensing programs, time spent on licensing the practice of tattooing or body piercing will be based on positive timekeeping. The personal services costs reflected in this fiscal note are estimates of time that will be required to implement licensing of these new categories. All costs will be covered by licensing fees. The estimated costs are explained on the attached page.

Prepared by Jennifer Strickler, Administrative Manager Phone 465-2144
 Division Occupational Licensing Date/Time 3/31/00 11:43 AM
 Approved by Commissioner Deborah B. Sedwick Date 3/31/00
 Agency Community & Economic Development

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FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSSB 34 (FIN)
Revised: 3/31/00

ANALYSIS: (Continued)

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS FOR CSSB 34 (FIN)

PERSONAL SERVICES **\$5.1**

Provides 1.5 months of an Occupational Licensing Examiner I position, Range 12, \$5.1.

TRAVEL **\$1.0**

Funds travel and per diem costs for the new board member to attend at least two board meetings each year assuming meetings are held in Anchorage and Juneau; and to administer examinations.

CONTRACTUAL SERVICES **\$8.5**

Funding provides for printing, postage, communications, and advertising costs, \$3.0; and development of a written exam, \$3.0. Funds totaling \$2.5 would be given to the Department of Environmental Conservation for revisions to their current tattooing regulations. Examination development costs of \$3.0 are eliminated after the first year.

SUPPLIES **\$1.5**

To fund daily operating supplies of the program. A total of \$0.5 would be given to the Department of Environmental Conservation for expenses related to revising the current tattooing regulations.

TOTAL: **\$15.1**

REVENUE & FUND SOURCE: Revenue will be generated by licensing fees sufficient to cover program costs. Approximately 25 tattooing and body piercing practitioners are expected to seek licensure and renew licenses biennially. Sections 1 and 2 of the bill require the department to charge the same fee to practitioners licensed by the board (barbers, hairdressers, cosmetologists, tattooists, and body piercers). There are approximately 3,800 licensees under the board. The costs of administering the new law will be shared equally by them.

FISCAL NOTE

REPORTED OUT OF
SFC 3/24/00

BILL NO. CSSB 34 (FIN)

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) 4/3/00 Dept. Affected Environmental Conservation
 Title Relating to tattooing and body piercing BRU Environmental Health
 Component Food Safety and Sanitation
 Sponsor Sen. Ellis
 Requester Senate Finance Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	1.1	1.1	1.1	1.1	1.1	1.1
Travel						
Contractual	1.5					
Supplies	0.5					
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	3.1	1.1	1.1	1.1	1.1	1.1

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	3.1	1.1	1.1	1.1	1.1	1.1
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)	3.1	1.1	1.1	1.1	1.1	1.1
TOTAL	3.1	1.1	1.1	1.1	1.1	1.1

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

This bill would require a modification to our current tattooing regulations as well as adding the costs of annual inspections of Body Piercing and/or Tattooing facilities as required under AS 08.13.210 (b). Funds would come as interagency receipts from the Department of Commerce and Economic Development, Division of Occupational Licensing through the licensing fee.

Prepared by: Janice Adair, Director Phone 269-7644
 Division Environmental Health, Date/Time 4/3/00 9:59 AM
 Approved by Commissioner [Signature] Date 4-3-00
 Agency Department of Environmental Conservation

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CS FOR SENATE BILL NO. 34()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATOR ELLIS

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to tattooing and body piercing; relating to fees charged by the
2 Board of Barbers and Hairdressers; and providing for an effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 08.01.065(c) is amended to read:

5 (c) Except as provided in (f) and (g) of this section, the department shall
6 establish fee levels under (a) of this section so that the total amount of fees collected
7 for an occupation approximately equals the actual regulatory costs for the occupation.
8 The department shall annually review each fee level to determine whether the
9 regulatory costs of each occupation are approximately equal to fee collections related
10 to that occupation. If the review indicates that an occupation's fee collections and
11 regulatory costs are not approximately equal, the department shall calculate fee
12 adjustments and adopt regulations under (a) of this section to implement the
13 adjustments. In January of each year, the department shall report on all fee levels and
14 revisions for the previous year under this subsection to the office of management and

1 budget. If a board regulates an occupation covered by this chapter, the department
2 shall consider the board's recommendations concerning the occupation's fee levels and
3 regulatory costs before revising fee schedules to comply with this subsection. In this
4 subsection, "regulatory costs" means costs of the department that are attributable to
5 regulation of an occupation plus

6 (1) all expenses of the board that regulates the occupation if the board
7 regulates only one occupation;

8 (2) the expenses of a board that are attributable to the occupation if the
9 board regulates more than one occupation.

10 * Sec. 2. AS 08.01.065 is amended by adding a new subsection to read:

11 (g) Notwithstanding (c) of this section, the department shall establish fee levels
12 under (a) of this section so that the total amount of fees collected by the Board of
13 Barbers and Hairdressers approximately equals the total regulatory costs of the
14 department and the board for all occupations regulated by the board. The department
15 shall set the fee levels for the issuance and renewal of a practitioner's license issued
16 under AS 08.13.100 so that the license and license renewal fees are the same for all
17 occupations regulated by the board.

18 * Sec. 3. AS 08.13.010 is amended to read:

19 Sec. 08.13.010. Creation and membership of board. (a) There is created
20 the Board of Barbers and Hairdressers consisting of five members appointed by the
21 governor. *JIK*

22 (b) The board consists of

23 (1) two persons licensed as barbers under this chapter;

24 (2) one person licensed to practice tattooing or body piercing under
25 this chapter;

26 (3) two persons licensed as hairdressers under this chapter, one of
27 whom is also licensed as an esthetician under this chapter; and

28 (4) [(3)] one public member.

29 * Sec. 4. AS 08.13.030(a) is amended to read:

30 (a) The board shall exercise general control over the vocations of barbering,
31 hairdressing, manicuring, [AND] esthetics, tattooing, and body piercing.

1 * Sec. 5. AS 08.13.030(c) is amended to read:

2 (c) The board may

3 (1) suspend or revoke a license or permit;

4 (2) on its own motion or upon receipt of a written complaint, conduct
5 hearings and request the Department of Community and Economic Development to
6 investigate the practices of a person, shop, establishment, or school involved in the
7 practice or teaching of barbering, hairdressing, manicuring, [OR] esthetics, tattooing,
8 or body piercing;

9 (3) adopt regulations or do any act necessary to carry out the provisions
10 of this chapter.

11 * Sec. 6. AS 08.13.070 is amended to read:

12 **Sec. 08.13.070. License required.** A person may not

13 (1) practice barbering, hairdressing, [OR] esthetics, tattooing, or body
14 piercing without a license, temporary permit, temporary license, or student permit
15 unless exempted under AS 08.13.160(d);

16 (2) practice barbering, hairdressing, or esthetics except in a shop or
17 school licensed under this chapter unless exempted under AS 08.13.160(d) or permitted
18 under AS 08.13.160(e);

19 (3) open or conduct a school of barbering, hairdressing, or esthetics
20 without a license;

21 (4) teach in a school of barbering, hairdressing, or esthetics, or
22 supervise an apprentice in barbering, hairdressing, or esthetics without an
23 instructor's license;

24 (5) operate a shop in violation of AS 08.13.120;

25 (6) permit an employee or other person being supervised who is not
26 exempted under AS 08.13.160(d) to practice barbering, hairdressing, [OR] esthetics,
27 tattooing, or body piercing without a license, temporary permit, temporary license,
28 or student permit;

29 (7) permit the use of the person's license, temporary permit, temporary
30 license, or student permit by another person;

31 (8) obtain or attempt to obtain a license, temporary permit, temporary

1 license, or student permit by fraudulent means.

2 * Sec. 7. AS 08.13.080 is amended by adding a new subsection to read:

3 (d) An applicant for a license to practice tattooing or body piercing shall

4 (1) satisfy the apprenticeship requirement of AS 08.13.082(d); and

5 (2) demonstrate to the board or the board's designee safety, sanitation,
6 and sterilization techniques that indicate that the applicant has adequate knowledge of
7 infection control practices and requirements relating to tattooing or body piercing, as
8 applicable.

9 * Sec. 8. AS 08.13.082 is amended by adding a new subsection to read:

10 (d) The period of apprenticeship required to qualify an applicant for a license
11 to practice either tattooing or body piercing is 75 hours. An apprenticeship under this
12 subsection must be served under a person who has a practitioner's license under this
13 chapter in the field in which the apprentice seeks training. The apprenticeship may not
14 be completed in less than six months from the date of its commencement and must be
15 completed in not more than one year from the date of its commencement. The
16 apprentice must be at least 18 years of age when the apprenticeship commences.

17 * Sec. 9. AS 08.13.100(a) is amended to read:

18 (a) The board shall authorize the issuance of a license for the practice of
19 barbering, hairdressing, or esthetics, or a combination thereof, to each qualified
20 applicant who has passed an examination under AS 08.13.090. The board shall
21 authorize the issuance of a license for the practice of tattooing or body piercing
22 to each applicant who has satisfied the requirements of AS 08.13.080(d).

23 * Sec. 10. AS 08.13.100(b) is amended to read:

24 (b) A practitioner license must state the areas of practice (barbering,
25 hairdressing, manicuring, esthetics, tattooing, body piercing, or any combination) that
26 the practitioner is qualified to perform.

27 * Sec. 11. AS 08.13.100(d) is amended to read:

28 (d) A person who holds [HOLDING] a current valid license from a board of
29 barbering, hairdressing, manicuring, or esthetics in another state or who is licensed by
30 another state to practice tattooing or body piercing is entitled to a license or
31 endorsement under this chapter without examination or a new period of

1 apprenticeship in this state. An application must include

2 (1) proof of a valid license issued by another licensing jurisdiction; and

3 (2) proof of completed training, testing, and working experience that
4 the board finds to meet the minimum requirements of the state.

5 * Sec. 12. AS 08.13.150 is amended to read:

6 Sec. 08.13.150. Grounds for refusal, suspension, or revocation of a license
7 or permit. The board may refuse, suspend, or revoke a license, student permit,
8 temporary license, or temporary permit for failure to comply with this chapter, with
9 a regulation adopted under this chapter, with a regulation adopted by the
10 Department of Environmental Conservation under AS 44.46.020, or with an order
11 of the board.

12 * Sec. 13. AS 08.13.160(d) is amended to read:

13 (d) The licensing and permit provisions of this chapter do not apply to

14 (1) a person practicing barbering, hairdressing, manicuring, or esthetics
15 in a community having a population of less than 1,000 people that is not within 25
16 miles of a community of more than 1,000 people and who uses only chemicals
17 available to the general public;

18 (2) the practice of manicuring by a student as part of instruction in a
19 12-hour course approved under AS 08.13.110(b);

20 (3) a shampoo person;

21 (4) a licensed health care professional;

22 (5) a person licensed by another licensing jurisdiction in a field of
23 practice licensed by this chapter while demonstrating techniques or products to persons
24 holding licenses or permits under this chapter;

25 (6) a person practicing tattooing or body piercing solely on the
26 person's own body.

27 * Sec. 14. AS 08.13.170 is amended to read:

28 Sec. 08.13.170. Temporary permits. The department shall issue a temporary
29 permit to an applicant for licensing who holds a license to practice barbering,
30 hairdressing, manicuring, esthetics, tattooing, or body piercing [AS A BARBER,
31 HAIRDRESSER, MANICURIST, OR ESTHETICIAN] in another state. The permit

1 is valid until the board either issues a permanent license or rejects the application. The
2 board shall act on an application within six months.

3 * Sec. 15. AS 08.13.180 is amended to read:

4 Sec. 08.13.180. **Student permits.** A person attending a licensed school of
5 barbering, hairdressing, or esthetics and a person apprenticed to a licensed instructor
6 in a shop approved by the board shall obtain a student permit. A person apprenticed
7 for tattooing or body piercing shall obtain a student permit. A student permit to
8 practice barbering or hairdressing is valid for two years. A student permit to practice
9 esthetics is valid for one year. A student permit to practice tattooing or body
10 piercing is valid for six months. A student permit may not be renewed, but, upon
11 application, the board may issue a new permit to the same person or extend an expired
12 permit to the date of the next scheduled examination. Credit earned under an expired
13 student permit may be transferred to a new permit as determined by the board.

14 * Sec. 16. AS 08.13.185(a) is amended to read:

15 (a) The Department of Community and Economic Development shall set fees
16 under AS 08.01.065 for initial licenses, endorsements, and renewals for the following:

- 17 (1) schools;
- 18 (2) school owners;
- 19 (3) instructor;
- 20 (4) shop owner;
- 21 (5) practitioner of barbering;
- 22 (6) practitioner of hairdressing;
- 23 (7) practitioner of manicuring;
- 24 (8) practitioner of esthetics;
- 25 (9) endorsement for advanced manicurist;
- 26 (10) practitioner of tattooing;
- 27 (11) practitioner of body piercing;
- 28 (12) temporary permit;
- 29 (13) [(11)] temporary license;
- 30 (14) [(12)] student permit.

31 * Sec. 17. AS 08.13.190(a) is amended to read:

1 (a) A person who practices barbering, hairdressing, [OR] esthetics, tattooing,
2 or body piercing, or operates a shop, or operates a school of barbering, hairdressing,
3 or esthetics, or teaches in a school of barbering, hairdressing, or esthetics, without a
4 license, temporary permit, temporary license, or student permit and who is not exempt
5 under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

6 * Sec. 18. AS 08.13.210 is amended to read:

7 **Sec. 08.13.210. Health and sanitary conditions.** Health and sanitary
8 conditions in shops and schools of barbering, hairdressing, manicuring, and esthetics,
9 and in establishments used by practitioners of tattooing and body piercing, shall
10 be supervised by the Department of Environmental Conservation.

11 * Sec. 19. AS 08.13.210 is amended by adding a new subsection to read:

12 (b) The Department of Environmental Conservation may conduct an inspection
13 after a person is licensed to practice tattooing or body piercing to ensure that the
14 practitioner maintains competency in safety, sanitation, and sterilization techniques.
15 If the Department of Environmental Conservation determines that the practitioner has
16 violated a regulation of the board or the Department of Environmental Conservation
17 relating to safety, sanitation, or sterilization requirements, the department shall

18 (1) report the violation to the board;

19 (2) take appropriate action under its own regulations; and

20 (3) assess the cost of the inspection against the practitioner.

21 * Sec. 20. AS 08.13 is amended by adding a new section to read:

22 **Sec. 08.13.215. Addresses of persons licensed for tattooing or body piercing**
23 **on file with board.** Each person licensed for tattooing or body piercing shall maintain
24 and provide to the board the address of the establishment at which the licensee is
25 practicing. If the licensee is nonpracticing, the licensee shall inform the board.

26 * Sec. 21. AS 08.13.220(6) is amended to read:

27 (6) "instructor" means a person who teaches barbering, hairdressing,
28 manicuring, or esthetics in a school or who supervises an apprentice in barbering,
29 hairdressing, or esthetics;

30 * Sec. 22. AS 08.13.220(8) is amended to read:

31 (8) "practitioner" means a person licensed to practice barbering,

1 hairdressing, manicuring, [OR] esthetics, tattooing, or body piercing under this
2 chapter;

3 * Sec. 23. AS 08.13.220 is amended by adding new paragraphs to read:

4 (11) "body piercing" means puncturing the body of a person for a fee
5 by aid of needles or other instruments designed to be used to puncture the body for the
6 purpose of inserting jewelry or other objects in or through the human body, except
7 that, for purposes of this chapter, "body piercing" does not include puncturing the
8 external part of the human ear for a fee;

9 (12) "tattooing" means the process by which, for a fee, the skin is
10 marked or colored by insertion of nontoxic dyes or pigments under the epidermis
11 portion of the skin into the top quarter of the dermis so as to form indelible marks for
12 cosmetic or figurative purposes.

13 * Sec. 24. AS 44.46.020 is amended to read:

14 Sec. 44.46.020. Duties of department. The Department of Environmental
15 Conservation shall

16 (1) have primary responsibility for coordination and development of
17 policies, programs, and planning related to the environment of the state and of the
18 various regions of the state;

19 (2) have primary responsibility for the adoption and enforcement of
20 regulations setting standards for the prevention and abatement of all water, land,
21 subsurface land, and air pollution, and other sources or potential sources of pollution
22 of the environment, including by way of example only, petroleum and natural gas
23 pipelines;

24 (3) promote and develop programs for the protection and control of the
25 environment of the state;

26 (4) take actions that are necessary and proper to further the policy
27 declared in AS 46.03.010;

28 (5) adopt regulations for

29 (A) the prevention and control of public health nuisances;

30 (B) the regulation of sanitation and sanitary practices in the
31 interest of public health;

1 (C) standards of cleanliness and sanitation in connection with
2 the construction, operation, and maintenance of a camp, cannery, food handling
3 establishment, food manufacturing plant, mattress manufacturing establishment,
4 industrial plant, school, barbershop, hairdressing, manicuring, [OR] esthetics,
5 tattooing, or body piercing establishment, soft drink establishment, beer and
6 wine dispensaries, and for other similar establishments in which lack of
7 sanitation may create a condition that causes disease;

8 (D) the regulation of quality and purity of commercially
9 compressed air sold for human respiration.

10 * Sec. 25. AS 44.46.020 is amended by adding a new subsection to read:

11 (b) The department's regulations for tattooing and body piercing establishments
12 must include requirements that

13 (1) the establishment be equipped with appropriate sterilizing
14 equipment, with availability of hot and cold running water, and with an appropriate
15 waste receptacle;

16 (2) the owner of the establishment is responsible for ensuring that case
17 history cards are kept for each client for a period of five years after the client's most
18 recent tattooing or body piercing;

19 (3) a practitioner in the establishment may use only tattooing and body
20 piercing instruments that have been sterilized in accordance with methods approved by
21 the department.

22 * Sec. 26. The uncodified law of the State of Alaska is amended by adding a new section
23 to read:

24 TRANSITIONAL LICENSES. (a) Notwithstanding AS 08.13, as amended by this
25 Act, the Board of Barbers and Hairdressers shall issue a license to practice tattooing or body
26 piercing to a person who

27 (1) submits to the board by July 1, 2001, the proper application and fees;

28 (2) provides to the board satisfactory evidence that the person is 18 years of
29 age or older and has been practicing tattooing or body piercing for a fee for at least 24
30 consecutive months immediately preceding the person's application date; and

31 (3) demonstrates to the board adequate safety, sanitation, and sterilization

1 techniques and knowledge of infection control practices and requirements.

2 (b) In this section,

3 (1) "body piercing" means puncturing the body of a person for a fee by aid of
4 needles or other instruments designed to be used to puncture the body for the purpose of
5 inserting jewelry or other objects in or through the human body, except that, for purposes of
6 this section, "body piercing" does not include puncturing the external part of the human ear
7 for a fee;

8 (2) "tattooing" means the process by which, for a fee, the skin is marked or
9 colored by insertion of nontoxic dyes or pigments under the epidermis portion of the skin into
10 the top quarter of the dermis so as to form indelible marks for cosmetic or figurative purposes.

11 * Sec. 27. The uncodified law of the State of Alaska is amended by adding a new section
12 to read:

13 TRANSITIONAL BOARD MEMBER. Notwithstanding AS 08.13.010, as amended
14 by sec. 3 of this Act, the initial member of the Board of Barbers and Hairdressers who is
15 appointed to fill the seat designated for a person licensed to practice tattooing or body piercing
16 need not be licensed to practice tattooing or body piercing until July 1, 2001.

17 * Sec. 28. The uncodified law of the State of Alaska is amended by adding a new section
18 to read:

19 REGULATIONS. The Board of Barbers and Hairdressers and the Department of
20 Environmental Conservation shall begin the process of developing regulations to implement
21 this Act. A regulation developed under this section takes effect under AS 44.62 but not before
22 the effective date of the law that is implemented by the regulation.

23 * Sec. 29. Except as provided in sec. 30 of this Act, this Act takes effect immediately
24 under AS 01.10.070(c).

25 * Sec. 30. AS 08.13.070, as amended by sec. 6 of this Act, and AS 08.13.190(a), as
26 amended by sec. 17 of this Act, take effect July 1, 2001.

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

Bill Number	JB 34
Amendment	
Motion	Adopt Verbiage
<u>Motion by</u>	SA Murre
<u>Objection</u>	
<u>Objection by</u>	
<u>Removed</u>	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Randy Phillips	
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u>	Adopted.

ALASKA STATE LEGISLATURE



Senate Rules Committee

Senate Judiciary Committee

Department of Law
Budget Subcommittee

While in Session
State Capitol, Rm. 9
Juneau, Alaska 99801
(907) 465-3704
Fax: (907) 465-2529

While in Anchorage
716 West 4th Ave., Ste 440
Anchorage, Alaska 99501
(907) 269-0169
fax: (907) 269-0172

SENATE MINORITY LEADER

JOHNNY...S

March 30, 2000

Senator John Torgerson, Chair
Senate Finance Committee

and Senate Finance Committee Members

Re: CS for Senate Bill 34: Relating to licensing of the professions of Tattooing and body piercing (Senate Finance working draft) 1-LS0279N

Dear Finance Committee Members:

At the March 21 Senate Finance hearing of CS Senate Bill 34, there were a number of public health and safety questions raised which I have attempted to address in the attached committee substitute. Suggestions for changes were also made by Larry Allen Ungerecht of Anchorage tattoo, Catherine Reardon at the Division of Occupational licensing and Janice Adair at DEC.

Committee members were particularly concerned with beefing up the penalties for both licensed and unlicensed practitioners, making sure there was parental presence required for body piercing and tattooing and that health and safety was adequately addressed as it pertains to infection and needle use. Further, Ms. Adair inspected Mr. Ungerecht's shop in Anchorage, and after a discussion, it was determined that licensing tattooing and body piercing shops would also be necessary to ensure practitioners are working in sterile environments. Sections 1 and 2 attempt to make clear that the cost of DEC's inspections and regulations are included in the fees the Division of Occupational Licensing may set.

Attached please find sectional analyses outlining the new committee substitute. Thank you for your attention this issue.

CS SB 34 Sectional Analysis

3/30/00

- Section 1 & 2. Allows the Department of Commerce and Economic Development's Division of Occupational Licensing to establish fee levels so the total amount of fees collected by the Board of Barbers and Hairdressers (where the new professions of Body piercing and Tattooing will be added) are equal to the total regulatory costs for licensing the new professions— including costs from the DEC, Division of Environmental Health for annual inspections and developing regulations. Requires the license and renewal fees to be the same for all occupations regulated by the board, including body piercing and tattooing.
- Section 3. Adds one person to the Board of Barbers and Hairdressers who shall be a licensed tattooist or body piercer.
- Section 4. **Powers of the board:** Adds body piercing and tattooing as one of the vocations regulated by the Board. Adds a new section requiring the board to develop oral and written instructions and notices advising the public of the health risks and possible consequences of receiving a tattoo or a body piercing. Shop owners and practitioners would be required to give or display the information to clients. Board has the power to suspend or revoke a permit, hold hearings and investigate the practices of body piercing and tattooing shops and practitioners.
- Section 5. **License Required.** Requires a license or temporary permit for practicing tattooing or body piercing and supervising an apprentice of body piercing. Requires the practicing to be done in a licensed shop. Exempts from licensing the right to practice body piercing and tattooing on your own body (AS 08.13.160d). (amendment needed here: page 4, line 3 (remove "or permitted under AS 08.13.160e"))
- Section 6. **Qualification of applicants:** Applicants shall satisfy an apprenticeship, demonstrate to the board adequate knowledge of safety, sanitation and infection control practices and pay a fee to qualify for a license in tattooing or body piercing.
- Section 7. **Apprenticeship requirements:** Requires tattooists and body piercers to be 18 years old and satisfy an apprenticeship of 75 hours in a licensed shop for each vocation, including 12 hours of training to prevent the transmission of diseases and infection. The training can't be completed in less than 6 months or more than a year to qualify for a license.
- Section 8. **License issued to** applicants who satisfy an apprenticeship, demonstrate to the board adequate knowledge of safety, sanitation and infection control practices and pay a fee to qualify for a license in tattooing or body piercing.
- Section 9. License must state the areas of practice the practitioner is qualified to perform.
- Section 10. **License:** Allows tattooists and body piercers licensed in other states to qualify for an Alaska license without an apprenticeship if they have proof of the license and proof of completed training equivalent to Alaska's standards.
- Section 11. Amends current statute to clean up language for barbers, hairdressers and cosmetologists' references to combination licenses. Combination licenses no longer exist.

- Section 12. **Shop license:** Requires tattooing and body piercing establishments to have a shop license. There is no exemption for tattooing and body piercing shops in small communities.
- Section 13. **Grounds for refusal, suspension or revocation of license or permit:** Allows board to refuse, suspend, or revoke a license, student permit, or temporary permit and impose a civil fine of up to \$5,000 for non-compliance with regulations of the board or regulations adopted by the Division of Environmental Health.
- Section 14. **Exempts** from licensing requirements licensed health professionals and those tattooing or body piercing on their own body.
- Section 15. Allows temporary permits for tattooists and body piercists who are licensed in another state but who have not yet received their permanent license. The board shall act on the license application within six months.
- Section 16. (needs amendment) Requires student permits before being apprenticed to a licensed practitioner (in a licensed shop). A body piercist and tattooist student permit is valid for one year.
- Section 17. Adds body piercists and tattooists to list of occupations for which DCED may set licensing and renewal fees.
- Section 18. **Failure to possess a license or permit:** Adds body piercists and tattooists as occupations under AS 08.13.190. Practicing without a permit or license is a class B misdemeanor.
- Section 19. Civil penalty for unregistered or unauthorized practice. Allows board to levy a civil fine of up to \$5,000 for body piercists and tattooists operating without a permit or license.
- Section 20. Sets Department of Environmental Conservation (Division of Environmental Health) as authority of health and sanitary conditions for tattooist and body piercing establishments.
- Section 21. Create a new subsection to allow DEC to conduct annual and complaint-driven inspections of licensed practitioners' establishments to ensure competency in safety, sanitation, and sterilization techniques. If DEC determines there are violations, they can report violations to the board or take action under its own regulations (what are their actions?)
- Section 22. **Health and Safety Notification requirements for tattooing and body piercing:** Adds new section requiring body piercing and tattooist practitioners to give oral and written educational information to a client including aftercare instructions, warnings to consult a doctor for infections, name and address of the shop and signature of client, the names and telephone numbers of (the board) DEC and DCED with explanation of how a complaint about the shop or practitioner may be filed with either entity, and require posting of a sign advising possible health risks of tattooing and body piercing, as approved by the board.
- Tattooing or body piercing on a minor:** Prohibits tattooing on a minor. Allows body piercing on minors only with written permission and the presence of the parent or legal guardian. The practitioner must keep a copy of the permission on file for three years. A person violating this section with "criminal negligence" is guilty of a class B misdemeanor.
- Section 23. Changes definition of instructor to keep instructor exclusively to barbering, hairdressing or cosmetology. No instructors in tattooing and body piercing – only practitioners.

- Section 24. Changes definition of practitioner to include tattooists and body piercing.
- Section 25. **Definitions:** Changes definition of shops to include body piercing and tattooing establishments.
- Section 26. **Definitions:** Defines body piercing and tattooing. Body piercing does not include puncturing the external part of the ear.
- Section 27. Adds tattooing and body piercing establishments so DEC may adopt regulations of standards of cleanliness and sanitation for those establishments.
- Section 28. Adds new subsection requiring that DEC regulations for tattooing and body piercing include requirements for appropriate sterilizing equipment, hot and cold water, waste receptacles, owner responsibility for client history cards for three years, and approved equipment sterilization methods.
- Section 29. **Grandfather rights:** Sets transitional licenses for those who can demonstrate to the board adequate safety and sanitation techniques and knowledge of infection control practices (written or oral test) if the practitioner or establishment has been operating for a fee for at least 12 out of the last 24 months.
- Section 30. Allows the tattooing or body piercing member of the board to be licensed up to July 1, 2002 so that they may transition into the seat without immediately requiring them to have a license at the beginning of the board and licensing.
- Section 31. Directs the Board and DEC to begin process of developing regulations to implement bill.
- Section 32 & 33 Sets this bill to take effect immediately except for licensing requirements, failure to possess a license or permit, notification requirements for health and safety and DEC sterilization regulations, which take effect July 1, 2002.
- Section 34: Civil and criminal penalties in regard to tattooing or body piercing on a minor take effect September 1, 2000.



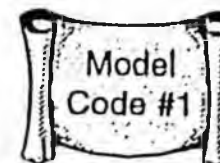
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NEHA Body Art Model Code and Guidelines



Published by the National
Environmental Health
Association



NEHA Body Art Model Code and Guidelines

Body Art Code Committee
National Environmental Health Association

Published by the
National Environmental Health Association

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INTRODUCTION

Peter D. Thornton, BS, MPH, President of the National Environmental Health Association from 1996-97 saw the need for comprehensive, consistent, reasonable, public-health oriented guidelines for the body art industry, whose popularity was sweeping the nation. At the same time state, county and city health departments were trying to address the public health implications and the public's concerns about this unregulated industry. Many states, counties and cities had varying regulations on tattooing, but few had enacted regulations on body piercing, which was increasing exponentially in popularity, much less other body art issues such as scarification and branding. Mr. Thornton saw a critical need for a national public health organization to assume a leading role to propose a Model Code that would, over time, provide a comprehensive approach to body art as well as a consistent and reasonable regulation that hopefully would be adopted throughout the nation. Therefore, as one of his main programs of his presidency, Mr. Thornton appointed knowledgeable environmental and public health professionals as well as professionals in both the public and private sectors throughout the United States and charged us with drafting a Model Body Art Code. This may be the first time NEHA has undertaken and succeeded with such an important project that will have national lasting implications as well as benefit state, county and city health departments, citizens and the body art industry as a profession for years to come.

The concept and final product of this Model Code was enthusiastically endorsed by the three major body art professional organizations, who also had representation and involvement on our committee: The Alliance for Professional Tattooists, The Association of Professional Piercers and The Society of Permanent Cosmetic Professionals. We wish to express our sincere appreciation to these organizations, their members and the contributions everyone has made to make this committee project a reality. It is hoped this document will provide the consistency, reasonableness, enforceability and public health-oriented approach to the regulation of the body art industry that Mr. Thornton envisioned.

National Environmental Health Association

The National Environmental Health Association (NEHA) is the only association at the intersection of the environmental and health professions. Nowhere else will you find representatives from all areas of environmental health, including food protection, hazardous waste, onsite wastewater, air quality, epidemiology, etc. — in both the public and private sector. Some of the services NEHA provides its members include:

- Free subscription to *Journal of Environmental Health*
- Free membership directory on disk
- Discounts on credential fees (Currently NEHA offers six nationally recognized credentials)
- *environment news digest (e.n.d.)* subscription at a significant discount
- *Best Practices* subscription at a significant discount
- Discounts on registration fees for NEHA's Annual Educational Conference & Exhibition
- Discounts on invaluable reference materials
- CE contact hours
- Discounts on individualized resume services
- Discounts on United Artists movie theater tickets
- Discounts on rental car services from four major providers
- Discounts from Airborne Express
- Discounts on imaging supplies
- Opportunities to reduce your auto, homeowners or renters insurance premium through American Express
- Discounts of up to 50% on hotel and resort stays through Quest Hotel Savings Program
- Discounts of up to 40% on medication at over 35,000 chain and independent pharmacies nationwide
- Discounts of up to 20% on Environmental Health Information Service subscription packages
- Eligibility to join Metrum Community Credit Union
- Discounts on fax broadcasting services
- Discounts on a variety of service plans
- Added benefits when you become an NEHA Educational Member or NEHA Sustaining Member.

For more information on how you can become a member of the National Environmental Health Association, please access fax-on-demand document #206 by dialing 303-756-9090 and selecting option #5, or call a NEHA Customer Service Representative at 303-756-9090, ext. 9.

XVIII. INTERPRETATION AND SEVERABILITY

18.1 In the interpretation of this Code, the singular may be read as the plural, the masculine gender as the feminine or neuter, and the present tense as the past or future, where the context so dictates.

18.2 In the event any particular clause or section of this Code should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

The 21 members of this committee representing all facets of the public and private sectors were:

Paul R. Fell, RS, MS, Volusia Co. Health Dept., Daytona Beach, Florida -
Chairman
Edith Culler, Environmentalist III, Florida State Department of Health,
Tallahassee, Florida
Phillippa Polnton, RN, REHS, Clark County Health District, Las Vegas,
Nevada
Richard Zipin, Chief, Environmental Engineering, Philadelphia Dept. of
Public Health, Philadelphia, Pennsylvania
Frank C. Gomez, Dr. of Public Health, Monterey Park, California
Joff Buckingham, Washoe County District Health Dept., Reno, Nevada
Leisa Cook, Training Officer, Oregon Health Division, Portland, Oregon
Susan Wilson, Licensing Programs, Oregon State Health Dept., Salem,
Oregon
David Vidra, LPN, Medical Advisor, Association of Professional Piercers,
Cleveland, Ohio
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Wisconsin
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Society of Permanent Cosmetic Professionals, Minneapolis, Minnesota
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Lubbock, Texas
Bob Montagna, Past President, Alliance of Professional Tattooists,
Malagna, New Jersey
Al D. Sowers, Board Member of Association of Professional Piercers,
Seattle, Washington
Samantha Caruthers, Permanent Make-up, Inc., Wichita, Kansas
Susan Preston, Professional Program Insurance Brokerage, Novato,
California
Jack Ward, M.D., Orthopedic Oncologist, Shreveport, Louisiana
Allen Halper, Office of Colors and Cosmetics, Food and Drug
Administration, Washington, D.C.*
Walter W. Bond, M.S., Deputy Chief, Hospital Environment Laboratory
Branch, Hospital Infections Program, National Centers for Disease
Control, Centers for Disease Control and Prevention, Atlanta, Georgia*

* These members participated as individuals and in no way connotes any agency review or approval of this document.

All of the members worked very hard on this Model Code. We hope that this document will assist you in enacting comprehensive, reasonable, enforceable, public health-oriented body art regulations in your jurisdiction. Speaking for the NEHA Body Art Committee, it was indeed a pleasure to serve on this committee and we look forward to future such projects by NEHA as the public health arena continues to expand.

Paul R. Fell, RS, MS, Chairman

This "Model Code" outlining specific guidelines and recommendations for body art and the body art industry was developed under the auspices of the National Environmental Health Association (NEHA) by a select panel of environmental and public health officials from both public and private sectors as well as, representatives from the body art industry. This was done in response to the increasing popularity of body art and the significant public health concerns arising from this unregulated industry providing these services to millions of Americans.

The resulting model code is purely advisory in nature. It is intended as a professional guidance document containing recommendations for health officials wishing to regulate the body art industry in their respective jurisdictions by establishing public health criteria and recommendations for operators to safely provide body art services to the general public.

NEHA shall in no way assume any liability for any act arising from the implementation of these recommendations or out of any failure to adopt any provision of the model code. No warranty on the part of NEHA, either expressed or implied shall arise out of providing any of the procedures described in this code without regard to whether or not they were provided in accordance with any recommendation contained in this code.

Finally, NEHA assumes no liability and shall be held harmless from liability from any cause of action arising from the adoption of the model code in whole or in part, nor from the provision of any procedure described within the code.

16.3 Any person whose permit has been suspended may, at any time, make application for reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing the suspension have been corrected, and the submission of the appropriate re-inspection fees, the Department shall reinspect the body art establishment or evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of this Code, the permit will be reinstated.

16.4 For repeated or serious (any code infraction that threatens the health of the client or operator) violations of any of the requirements of this Code or for interference with Department personnel in the performance of their duties, its permit may be permanently revoked after a hearing. Before taking such action, the Department shall notify the permit holder or operator in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder or operator of the requirements for filing a request for a hearing. A permit may be suspended for cause, pending its revocation or hearing relative thereto.

16.5 The Department may permanently revoke a permit after five (5) days following service of the notice unless a request for a hearing is filed within the five (5) day period with the Department by the permit holder.

16.6 The hearings provided for in this section must be conducted by the Department at a time and place designated by the operator. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision must be furnished to the permit holder or operator by the Department.

XVII. DEPARTMENT PERSONNEL COMPETENCY REQUIREMENT

Department personnel performing environmental health/sanitary evaluations or complaint investigations of Body Art establishments shall meet the same requirements as specified for operators/technicians in Section 11.20 of this Code prior to assuming responsibilities for this program.

15.5 If, after investigation, the Department should find that a permittee or operator is in violation of this Code, the Department may, in the alternative, advise the permittee or operator, in writing, of its findings and instruct the operator to take specific steps to correct such violations within a reasonable period of time, not to exceed thirty (30) days.

15.6 If the Department has reasonable cause to suspect that a communicable disease is, or may be transmitted by an operator, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions which may adversely impact the health of the public, upon written notice to the owner or operator, the Department may do any or all of the following:

a) Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health.

b) Issue an order to immediately suspend the permit of the licensed establishment until the Department determines there is no further risk to the public health. Such an order shall state the cause for the action.

XVI. SUSPENSION OR REVOCATION OF PERMITS

16.1 Permits issued under the provisions of the Code may be suspended temporarily by the Department for failure of the holder to comply with the requirements of this Code.

16.2 Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Code, the operator must be notified in writing that the permit is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within the time specified by law.

BASIC TENETS AND PROVISIONS OF THE NEHA BODY ART MODEL CODE

We, the members of the NEHA Body Art Model Code Committee, believe the following tenets and provisions should be addressed and incorporated into any body art regulation in order to be effective and protect the public health, safety and welfare:

1. Body Art is fast becoming prevalent and popular in all communities. As used in this Model Code, body art includes body piercing, tattooing, permanent cosmetics, branding and scarification. We consider implants under the skin, currently known as 3-D body art, as a medical procedure and should not be performed in a body art establishment. Injuries, infections and occasional disease transmissions are occurring as a result of improper body art or aftercare procedures. Many individuals believe that these establishments are inspected and monitored by some regulatory/health authority. In many states, especially in the case of body piercing, they are not inspected, monitored or regulated. This situation was one of the main reasons for this code.
2. If the mission of a health authority is to prevent disease and improve the health of its citizens, it is incumbent upon health authorities to address this emerging health issue.
3. A body art regulation should be a comprehensive rather than a piecemeal approach, addressing all forms of body art. Contrary to public thought, body art is not a fad and it will not quietly go away. Rather, it's becoming mainstream in our society and new forms and expressions of body art are emerging all the time, thus requiring vigilance on the part of public health officials and updates and revisions to any body art code.
4. The environmental health sections of Health Departments, with their public health training and regulatory functions, should promulgate rules and administer this program. If at all possible, these regulations should be statewide in order to promote consistency.
5. A permitting program of both the body art establishment and the operator(s)/technician(s) is often regarded as the most effective means to administer and regulate this program.

6. Body art operators should be required to demonstrate knowledge, skills and ability in body art, through proof of attendance of professional courses or certifications, as well as knowledge/proficiency in subjects such as anatomy, universal precautions, disease transmission, skin diseases, sterilization procedures, etc.

7. Individuals under 18 years of age desiring body art, should have the written consent and presence of a parent or legal guardian. Many body art professionals have individual policies of not performing body art on anyone under 18 years of age, regardless of consent.

8. Body art clients should receive verbal and written health educational information from the operator in order to make an informed decision prior to the body art procedure, as well as written information regarding the client's responsibilities for after care of the body art. Placards posted in all body art establishments giving the name, address and phone number of the local health authority should be required for the public to report complaints or seek additional information.

9. To protect both the client and the body art operator, certain information should be disclosed by the client to assist the operator/technician in evaluating the proper healing of the body art procedure. This should be done in such a manner so that the rights of the client are not violated. These records should be kept confidential and will be available for review by the Health Department upon request. These records will include information on the body art performed, the location on the body, date performed, name of operator/technician, record of aftercare information given.

10. Knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of operators/technicians should be demonstrated to prevent the transmission of disease or injury to the client.

11. Body art establishments should meet minimum sanitary establishment requirements to assure the client and operator of a clean, hygienic environment. Health Department Plan reviews (e.g. an examination of an establishment's floor plan to ensure that physical elements of a facility are in compliance with various code requirements) of new body art establishments should also be required.

12. All body art operators/technicians should be offered the hepatitis B vaccine series, with recognition of their right of refusal. Employers should be encouraged to require the vaccine series as a pre-employment consideration.

XIV. PROHIBITIONS

The following acts are prohibited:

14.1 Performing body art on any body part of a person under the age of 18 without the written consent and presence of the parent or legal guardian of such minor. This consent is to be given in person to the body artist or responsible person at the facility by the parent or legal guardian at the time the tattooing or piercing is to commence. Photographic identification of the parent or legal guardian is required.

14.2 Performing body art on a person who, in the opinion of the operator is inebriated or appears to be under the influence of alcohol or drugs.

14.3 Owning, operating or soliciting business as a body art establishment or operator without first obtaining all necessary permits and approvals from the Department, unless specifically exempted by this Code.

14.4 Obtaining or attempting to obtain any body art establishment or operator permit by means of fraud, misrepresentation or concealment.

XV. ENFORCEMENT

15.1 Establishments operating at the time of the enactment of this code shall be given a prescribed amount of time to make application to the Department and comply with these regulations. Establishments that continue to operate without proper permits from the Department or operate in violation of these regulations will be subject to legal remedial actions and sanctions as provided by law.

15.2 A representative of the Department shall properly identify him or herself before entering a body art establishment to make an inspection. Such an inspection must be conducted as often as necessary throughout the year to ensure compliance with this Code.

15.3 It is unlawful for any person to interfere with the Department in the performance of its duties.

15.4 A copy of the inspection report must be furnished to the permit holder or operator of the body art establishment, with the Department retaining possession of the original.

13.5 The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle unless the body art work station is separated by walls, floor to ceiling, from the culinary or domicile areas.

13.6 The mobile body art establishment shall be equipped with an equipment washing sink and a separate handsink for the exclusive use of the operator/technician for handwashing and preparing the client for the body art procedures. The handsink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and tank storage (gallons) of the tank(s) shall also be identified. Tuberculocidal single use hand wipes, approved by the Department, to augment the hand washing requirements of this section, must be available.

13.7 All liquid wastes shall be stored in an adequate storage tank with a capacity of at least fifty (50) percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.

13.8 Restroom facilities must be available within the mobile body art establishment. A handsink must be available inside the restroom cubicle. The handsink shall be supplied with hot and cold running water under pressure to a mixing type faucet, liquid soap and paper towels in dispensers. Restroom doors must be self-closing and adequate ventilation must be available.

13.9 All body art operators/technicians working in a mobile body art establishment must have an operator permit and comply with the operator requirements of this Code.

13.10 No animals, except service animals of clients shall be allowed in the mobile body art establishment at any time

Mobile body art establishments must receive an initial inspection at a location specified by the Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.

All mobile body art establishment and operator's permits and the disclosure notice must be readily seen by clients.

13. All body art establishments should be equipped with approved autoclaves, complete with operating instructions and should be monitored monthly using an appropriate biological indicator and submitted to an independent laboratory. Dry heat sterilizers may be used, if approved by the local Health Department.

14. Permits and requirements for mobile, temporary body art establishments as well as body art booths at demonstration projects or fairs are also addressed.

15. Enforcement procedures are addressed in this code. Emphasis should be directed towards body art operations that do not obtain permits or which violate the regulation.

16. While the definition of body art includes but is not limited to tattooing, body piercing, branding and scarification, implants under the skin, currently known as 3-D body art, are considered as medical procedures which should not be performed in a body art establishment.

17. This model code does exempt the piercing of the outer perimeter and lobe of the ear from these regulations for two reasons: 1) The lack of current epidemiological evidence of disease transmission or conclusive medical evidence of cartilage injury due to the use of ear piercing guns on the outer perimeter and lobe of the ear; and 2) the considerable additional work load impact upon health department staff could not be effectively justified on a cost/benefit analysis insofar as disease or injury prevention activities are concerned. (While not requiring a training class for upper perimeter ear and ear lobe piercers using ear piercing guns, one is nonetheless advised.)

18. A body art regulatory program should be self-supported with an appropriate fee schedule from plan reviews as well as establishment, operator/technician and temporary permits.

Lastly, but most importantly, any jurisdiction considering regulating the body art profession may use all or part of this Code to suit their community needs and manpower capabilities. It is not an all or nothing situation, but rather this committee's recommendations for what we believe should be included in a comprehensive approach to meet the challenges of this emerging industry.

Since the body art profession and its various forms are ever-changing and evolving, we realize this Model Code is not written in stone. Therefore, the NEHA Board of Directors will continue to revise and update this code to assist jurisdictions in incorporating material from the Code into their regulatory programs.

- d) Facilities to properly sterilize instruments— evidence of spore test performed on sterilization equipment thirty (30) days or less prior to the date of the event, must be provided; or only single use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed;
- e) Ability to properly clean and sanitize the area used for body art procedures.

12.5 The facility where the temporary demonstration permit is needed must be inspected by the Department and a Permit issued prior to any body art procedures being performed.

12.6 Temporary demonstration permits issued under the provisions of this Code may be suspended by the Department for failure of the holder to comply with the requirements of this Code.

12.7 All establishment and operator permits and the disclosure notice must be readily seen by clients.

XIII. MOBILE BODY ART ESTABLISHMENTS

In addition to complying with all of the requirements of this Code, mobile body art vehicles and operators/technicians working from a mobile body art establishment shall also comply with all of the following requirements:

13.1 Mobile body art establishments are permitted for use only at special events, lasting 14 calendar days or less. Permits must be obtained at least 14 days prior to the event, and no body art procedures are to be performed prior to a permit being issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

13.2 Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile-home. No body art procedures shall be performed outside of the enclosed vehicle.

13.3 The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight-fitting. Operable windows shall have tight-fitting screens.

13.4 Mobile body art establishments must have approved sterilization equipment available, in accordance with all requirements of the Section VIII, Sanitation and Sterilization Procedures.

(e) The temporary establishment/operator license(s) shall not be transferable from one place or person to another.

(f) The temporary establishment/operator license shall be posted in a prominent and conspicuous area where they shall be readily seen by clients.

XII. TEMPORARY DEMONSTRATION PERMIT REQUIREMENTS

12.1 A temporary permit may be issued by the Department for educational, trade show or product demonstration purposes only. The permit may not exceed fourteen (14) calendar days.

12.2 A person who wishes to obtain a temporary demonstration permit must submit the request in writing for review by the Department, at least thirty (30) days prior to the event. The request should specify:

- a) The purpose for which the permit is requested;
- b) The period of time during which the permit is needed (not to exceed fourteen (14) calendar days per event), without re-application;
- c) The fulfillment of operator requirements as specified in section XI, subsection C;
- d) The location where the temporary demonstration permit will be used.

12.3 The applicant's demonstration project must be contained in a completely enclosed, non-mobile facility (e.g. inside a permanent building).

12.4 Compliance with all of the requirements of this Code, including but not limited to:

- a) Conveniently located handwashing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing codes is to be provided. Tuberculocidal single use hand wipes, approved by the Department, to augment the handwashing requirements of this section must be available in each booth/cubicle;
- b) A minimum of eighty (80) square feet of floor space;
- c) At least one hundred (100) foot candles of light at the level where the body art procedure is being performed;

NEHA BODY ART MODEL CODE AND GUIDELINES

I. DEFINITIONS

The following terms used in these regulations shall be defined as follows:

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

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

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

1.4 **BODY ART ESTABLISHMENT** means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

1.5 **BODY PIERCING** means puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

1.6 **CONTAMINATED WASTE** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

1.7 **COSMETIC TATTOOING** see TATTOOING.

1.8 **DEPARTMENT** means the agency, or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these regulations.

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

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

1.11 **EQUIPMENT** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

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

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

1.14 **INSTRUMENTS USED FOR BODY ART** means hand pieces, needles, needle bars and other instruments that may come in contact with a client's body or possible exposure to bodily fluids during body art procedures.

1.15 **INVASIVE** means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

1.16 **JEWELRY** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium or platinum, a dense, low-porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

11.11 No operator permit shall be issued unless, following reasonable investigation by the Department, the body art operator has demonstrated compliance with the provisions of this section and all other provisions of this Code.

11.12 All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this Code.

11.13 All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

C. Temporary Establishment/Operator Permit

11.14 Temporary establishment and, when required, operator permits may be issued for body art services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows or for educational reasons.

(a) Temporary operator and/or establishment permits will not be issued unless:

(1) the applicant furnishes proof of compliance with sections A and B above relating to operator's permits and/or

(2) the applicant is currently affiliated with a fixed location or permanent facility which, where applicable, is permitted by the appropriate State and/or local jurisdiction; and

(3) the temporary site complies with section 14, Temporary Establishment Requirements, of this regulation.

(b) In lieu of attendance at a bloodborne pathogens training program given by the Department within the past three (3) years as specified in Section B above, the applicant may furnish proof of attendance at equivalent training which is acceptable to the Department.

(c) Temporary permits expire after fourteen (14) days or the conclusion of the special event, whichever is less.

(d) Temporary operator and/or establishment license will not be issued unless the applicant has paid a reasonable fee as set by the Department.

11.6 The holder of a body art establishment permit must only hire operators who have complied with the operator permit requirements of this Code.

B. Operator Permit

11.7 No person shall practice body art procedures without first obtaining an operator permit from the Department. The Department shall set a reasonable fee for such permits.

11.8 The operator permit shall be valid from the date of issuance and shall automatically expire in 2 (two) years from the date of issuance unless revoked sooner by the Department in accordance with Section 13.

11.9 Application for operator permits shall include:

- a.1 Name;
- a.2 Date of birth;
- a.3 Sex;
- a.4 Residence address;
- a.5 Mailing address;
- a.6 Phone number;
- a.7 Place(s) of employment as an operator;
- a.8 Training and or experience;
- a.9 Proof of attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department.

11.10 Demonstration of knowledge of the following subjects: i) Anatomy; ii) Skin diseases, disorders, and conditions (including diabetes); iii) Infectious disease control including waste disposal, hand washing techniques, sterilization equipment operation and methods, and sanitization/disinfection/sterilization methods and techniques; iv) facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of courses or successful completion of an examination approved or given by the Department with a passing grade of 70 percent, attained prior to issuance of the operators permit. Examples of courses approved by the Department would include such courses as Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Training/courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted to the department for approval.

1.17 **LIQUID CHEMICAL GERMICIDE** means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500ppm, 1/4 cup/gal. or 2 tablespoons/quart of tap water).

1.18 **OPERATOR/TECHNICIAN** means any person who controls, operates, manages, conducts, or practices body art activities at a body art establishment and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes technicians who work under the operator and perform body art activities.

1.19 **PERMIT** means written approval by the Department to operate a body art establishment. Approval is given in accordance with these regulations and is separate from any other licensing requirement that may exist within communities or political subdivisions comprising the Jurisdiction.

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

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

1.22 **PROCEDURE SURFACE** means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area which may require sanitizing.

1.23 **SANITIZE/SANITIZATION PROCEDURE** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

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

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

1.26 **SINGLE USE** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

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

1.28 **TATTOOING** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

1.29 **TEMPORARY BODY ART ESTABLISHMENT** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

1.30 **UNIVERSAL PRECAUTIONS** means a set of guidelines and controls, published by the Center for Disease Control (CDC) as 'guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers' in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as 'recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures', in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

* need more sinks

10.7 A separate, readily accessible, handsink with hot and cold running water, under pressure, preferably equipped with wrist or foot operated controls and supplied with liquid soap, and disposable paper towels shall be readily accessible within the body art establishment. One handsink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding any service sinks, and one toilet in a body art establishment.

10.8 At least one ^{appropriate} covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.

10.9 All instruments and supplies shall be stored in clean, dry and covered containers.

10.10 Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

XI. PERMIT REQUIREMENTS

A. Establishment Permit

11.1 No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a body art establishment unless it has received a body art establishment permit from the Department.

11.2 Any person operating a body art establishment shall obtain an annual permit from the Department.

11.3 The applicant shall pay a reasonable fee as set by the Department for each body art establishment permit.

11.4 A permit for a body art establishment shall not be transferable from one place or person to another.

11.5 A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

NO
Needles

X. REQUIREMENTS FOR PREMISES

10.1 Body art establishments applying after adoption of this Code shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department, as part of the Permit Application process. The Department may charge a reasonable fee for this review.

10.2 All walls, floors, ceilings and all procedure surfaces of a body art establishment shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleaned and sanitized after each client. All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.

10.3 Effective measures shall be taken by the body art operator to protect the entrance into the establishment and the breeding or presence on the premises of insects, vermin and rodents. Insects, vermin and rodents shall not be present in any part of the establishment, its appurtenances or appertaining premises.

10.4 There shall be a minimum of forty five (45) square feet of floor space for each operator in the establishment. Each establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers, curtains or partitions, at a minimum.

10.5 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

10.6 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g. seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.

II. BODY ART OPERATOR/TECHNICIAN REQUIREMENTS AND PROFESSIONAL STANDARDS

2.1 The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department:

- a.1 Full names and exact duties;
- a.2 Date of birth;
- a.3 Gender;
- a.4 Home address;
- a.5 Home/work phone numbers;
- a.6 Identification photos of all body art operator/technicians.

- b.1 Establishment name;
- b.2 Hours of operation;
- b.3 Owner's name and address.

c. A complete description of all body art procedures performed.

d. An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.

e. A copy of these regulations.

2.2 It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit.

2.3 The body art operator/technician must be a minimum of eighteen years of age.

2.4 Smoking, eating, or drinking by anyone is prohibited in the area where body art is performed.

2.5 Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.

2.6 The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator/technician must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.

2.7 In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or contact with a third person. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client and hands washed prior to donning the next set of gloves. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand washing procedures as part of a good personnel hygiene program.

2.8 If, while performing a body art procedure the operator's/ technician's glove is pierced, torn or otherwise contaminated, the procedure in 2.7 and 2.8 shall be repeated immediately. The contaminated gloves shall be immediately discarded and the hands washed thoroughly (see 2.7 above) before a fresh pair of gloves are applied. Any item or instrument used for body art which is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

2.9 Contaminated waste, as defined in this Code, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag which is marked with the International Biohazard Symbol. It must then be disposed of by a waste hauler approved by the Department or, at a minimum, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed the period specified by the Department or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030 whichever is less.

0.6 All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art procedures, the operator shall wear disposable medical gloves and use medical-recognized techniques to ensure that the instruments and gloves are not contaminated.

0.7 All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes or pigments or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

IX. REQUIREMENTS FOR SINGLE USE ITEMS

0.1 Single use items shall not be used on more than one client for any reason. After use, all single use needles, razors and other sharps shall be immediately disposed of in approved sharps containers.

9.2 All products applied to the skin, including body art stencils shall be single use and disposable. Acetate stencils shall be allowed for re-use if sanitization procedures (see definition 1.23) are performed between uses if approved by the Department. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

VIII. SANITATION AND STERILIZATION PROCEDURES

8.1 All non-single use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or follow the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which will also be operated in accordance with manufacturer's instructions.

8.2 After cleaning, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 8.3). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.

8.3 All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department). The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of their sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body art establishment uses all single use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

8.4 Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.

8.5 All reusable needles used in tattooing and cosmetic tattooing shall be cleaned and sterilized prior to use and stored in peel-packs. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

2.10 No person shall perform any body art procedure upon a person under the age of eighteen (18) years without the presence, consent and proper identification of a parent, legal custodial parent or legal guardian. Nothing in this section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent.

2.11 Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.

2.12 The skin of the operator/technician shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that they could contaminate body art equipment, supplies or working surfaces with body substances or pathogenic organisms.

2.13 Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

III. EXEMPTIONS

3.1 Physicians licensed by the State of _____, who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from these regulations.

3.2 Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from these regulations. Individuals who use ear piercing systems must conform to the manufacturer's directions on use and applicable U. S. Food and Drug Administration requirements. The Department retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

IV. PUBLIC NOTIFICATION REQUIREMENTS

4.1 Verbal and written public educational information, approved by the Department, shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the Department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or (swelling) and contain: the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a Disclosure Statement, provided by the Department, which advises the public of the risks and possible consequences of body art services. The facility permit holder shall also post in public view the name, address and phone number of the local/state Department having jurisdiction over this program and the procedure for filing a complaint. The Disclosure Statement and the Notice for Filing a Complaint shall be included in the establishment Application Packet.

4.2 All infections, complications or diseases resulting from the any body art procedure which become known to the operator shall be reported to the Department by the operator within 24 hrs.

V. CLIENT RECORDS

In order for the operator/technician to properly evaluate the client's medical condition for receiving a body art procedure and not violate the client's rights or confidential medical information, the following information shall be given to the operator or technician:

5.1 In order for proper healing of your body art procedure, we ask that you disclose if you have or have had any of the following conditions:

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

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

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

5.4 Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

VI. RECORDS RETENTION

6.1 The body art establishment shall keep a record of all persons who have had body art procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, name of operator who performed the procedure(s), type and location of procedure performed, signature of client and if the client is a minor, proof of parental or guardian presence and consent, i.e. signature. Such records shall be retained for a minimum of three (3) years and available to the Department upon request. The Department and the body art establishment shall keep such records confidential.

VII. PREPARATION AND CARE OF THE BODY ART AREA

7.1 Before performing a body art procedure, the immediate and surrounding area of the skin where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after use. Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.

7.2 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste (see definition).

Alaska Hepatitis C Coalition



5350 Little Tree Street
Anchorage, AK 99507
(907) 563-7675

Senator Johnny Ellis
State Capitol, Room 9
Juneau, AK 99801-1182

February 22, 2000

Dear Senator Ellis:

The Alaska Hepatitis C Coalition supports the passage of Senate Bill 34 "An Act relating to tattooing and body piercing". We believe that unregulated tattooing and body piercing poses a significant risk to the public's health.

The Centers for Disease Control and Prevention (CDC) states in the October 16, 1998 Morbidity and Mortality Weekly Report (MMWR) issue entitled *Recommendations for Prevention and Control of Hepatitis C Virus (HCV) Infection and HIV-Related Chronic Disease* :

Persons who are considering tattooing or body piercing should be informed of potential risks of acquiring infection with blood-borne and other pathogens through these procedures. These procedures might be a source of infection if equipment is not sterile or if the artist or the piercer does not follow other proper infection-control procedures (e.g., washing hands, using latex gloves, and cleaning and disinfecting surfaces).

Senate Bill 34 will provide for primary preventative measures against the spread of HCV by decreasing the likelihood of an individual being exposed through tattooing or body piercing by licensing of the artist or piercer and schools where the craft is taught as well as the inspection of shops to ensure that proper techniques are followed.

It is conservatively estimated that 11,000 Alaskans are infected with HCV. It is not known how many of those individuals became exposed to the virus through contaminated equipment used in tattooing or body piercing, however several of our members believe that this was the source of their infection. With the increasing popularity of tattooing and body piercing it is even more important to provide some oversight into these practices. Those of us who are living with HCV and we are sure that those who struggle with other diseases caused by blood-borne pathogens (e.g. HIV or Hepatitis B) will join us in our wish that no other Alaskan need join our ranks. Senate Bill 34 will provide some protection and we strongly encourage that it be passed into Alaska State Statute.

Sincerely,

Kendall Thomas, MS
President

SENATE FINANCE COMMITTEE

SIGN-IN
SB 34-TATTOOS AND BODY PIERCING

NAME: Captain Reardon Subject/Bill No: _____
Co./Dept./Title: Director Acc Lie Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

JANICE ADKIN

SB34

ANCHORAGE

in anc

JIM STRANTON
~~JIM STRATTON~~ (I THINK)

SB249

ANC

SB34

KENDALL THOMAS

LARRY ALLEN UNGERECHT

DAVE LLOYD

MONICA MORTERUD

SB249 JIM STRATTON

SENATE FINANCE COMMITTEE

SIGN-IN

SB 34-TATTOOS AND BODY PIERCING

NAME: Johnny Ellis Subject/Bill No: SB 34
Co./Dept./Title: Sen - Dist H Phone: 3704
Address: State Capitol #9 Zip: 99801
Do you wish to testify? Yes No Respond To Questions

NAME: Catherine Reardon Subject/Bill No: SB 34
Co./Dept./Title: Director, Division of Phone: 465-2538
Occupational Licensing, DCEP
Address: PO Box 110806 Tukwila Zip: 99811
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions



Teleconference Participants

TCN: 10651

Participant Lists

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ALL



Testifiers



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Participants

Unidentified Testifiers: 0

Unidentified Observers: 1

ANCHORAGE (ANC)

DELTA JCT. (DJT)

1

Name: Mr. John Glotfelty, HB45

Phone:

Address:

Affiliation: United We

City /St /Zip:

Type: Testifier

Bill: HJR 7: CONST AM: INITIATIVE/REFERENDUM PETITIONS

FAIRBANKS (FBX)

1

Name: Mr. Joe Mattie

Phone:

Address:

Affiliation: CAWL

City /St /Zip:

Type: Testifier

Bill: HJR 7: CONST AM: INITIATIVE/REFERENDUM PETITIONS

2

Name: Mr. Mike Sulton

Phone:

Address:

Affiliation:

City /St /Zip:

Type: Testifier

Bill: SB 34: TATTOOS AND BODY PIERCING

3

Name: Mr. Ryan Cunningham

Phone:

Address:

Affiliation:

City /St /Zip:

Type: Testifier

Bill: SB 34: TATTOOS AND BODY PIERCING

MATSU (MAT)

1

Name: Ms. Jan Tallow

Phone: 745-4488

Address: PO Box 1621

Affiliation: Private In

City /St /Zip: Palmer Ak 99645

Type: Testifier

Bill: SB 289: BOARD OF TECHNICAL AND VOCATIONAL EDUC

VALDEZ (VAL)

TELECONFERENCE

WE MAY BE JOINED BY:

MIKE ANDREWS FOR SB 289

JANICE ADAIR FOR SB 34

KEVIN MCKINLEY FOR SB 34