



DEPARTMENT OF ENVIRONMENTAL HEALTH  
SOLID WASTE/MEDICAL WASTE PROGRAM

BODY ART  
&  
LOWER LOBE EAR PIERCING  
(AMENDED REGULATIONS)

EFFECTIVE JANUARY 15, 2008

# AMENDED BODY ART AND LOWER LOBE EAR PIERCING REGULATIONS FOR THE COUNTY OF SANTA CLARA

EFFECTIVE JANUARY 15, 2008

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## **I. Definitions**

### **“Aftercare” defined.**

*Aftercare* means written and oral instructions given to the client, specific to the body piercing, permanent cosmetic, or tattoo procedure(s) rendered, on caring for the body piercing or tattoo and surrounding tissues.

### **“Antimicrobial ” defined.**

*Antimicrobial* means agents that disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms.

### **“Approved” defined.**

*Approved* means that the Department of Environmental Health, has authorized a person, or deemed acceptable, an instrument, device, procedure or training that is not in conflict with this chapter.

### **“Autoclave” defined.**

*Autoclave* means a container (sometimes called a “steam sterilizer”) specifically made for sterilizing instruments or other materials by superheated steam under pressure (at least 250 degrees Fahrenheit) for a specified period of time to insure sterilization of all contents.

### **“Blood” defined.**

*Blood* means fluid, usually red, circulating in the bodies of vertebrates. It may be released from the body when the skin of any human surfaces including but not limited to the lip, tongue, mouth or nose, is punctured, torn, cut, or abraded.

### **“Bloodborne Pathogen (s)” defined.**

*Bloodborne pathogen* means disease-causing microorganisms that may be present in human blood than can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B (HBV), Hepatitis C (HCV) and Human Immunodeficiency Virus (HIV).

### **“Body Art” defined.**

*Body Art* means body piercing, permanent cosmetics and/or tattooing as defined in this chapter.

**“Body piercing” defined.**

*Body piercing* means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of the ear, lip, tongue, nose or eyebrow. Excluded from this definition is lower lobe ear piercing when performed by a lower lobe ear piercer.

**“Client” defined.**

*Client* means any individual who inquires about receiving, makes an appointment to receive, or receives Body Art from a practitioner as defined in this chapter.

**“Contaminated” defined.**

*Contaminated* means the presence of or reasonable expected presence of blood or other potentially infectious material in or on the surface of an item.

**“Contaminated Waste” defined.**

*Contaminated waste* means any waste to be disposed that has been soiled by blood or other potentially infectious material in the process of tattooing, body piercing or the application of permanent cosmetics.

**“DEH” defined.**

*DEH* means the Department of Environmental Health, County of Santa Clara.

**“Disinfectant” defined.**

*Disinfectant* means a product that is registered for use by the State of California to reduce or eliminate the presence of disease causing microorganisms.

**“Exposure Control Plan” defined.**

*Exposure Control Plan* means a written plan, applying to all those who are employed by a facility owner or operator of a Body Art facility describing how the applicable requirements of these regulations will be implemented. It is designed to eliminate or minimize employee and client exposure to bloodborne pathogens and other communicable diseases.

**“Handwashing” defined.**

*Handwashing* means compliance with the following process:

1. Wet hands with hot running water that is at least 105° Fahrenheit (F).

2. Apply soap (antimicrobial liquid soap in a pump dispenser) and thoroughly distribute over hands.
3. Rub hands together vigorously for at least 20 seconds, covering all surfaces of the hands and fingers, paying special attention to the thumbs, backs of the fingers, backs of the hands, and beneath the fingernails.
4. Rinse hands thoroughly to remove residual soap.
5. Dry hands with single-use fold disposable paper towels or warm-air drying. If paper towels are used, they must be dispensed from holders that require the user to remove them one at a time.
6. Use the towel to turn off the taps or use elbow/foot operated taps.

**“Instrument” defined.**

*Instrument* means Body Art equipment or implement that comes into contact with blood or non-intact skin. Such equipment includes, but is not limited to, needles, needle bars, needle tubes, forceps, hemostats, tweezers, or other implements used to insert pigment or pierce the human body for the intended purpose of making a tattoo or a permanent hole. These instruments shall be sterile before use on clients. Equipment also includes studs, hoops, rings or other decorative jewelry.

**“Lower Lobe Ear Piercer” defined.**

*Lower Lobe Ear Piercer* means any person who performs only lower lobe ear piercing.

**“Minor” defined.**

*Minor* means any person under the age of 18 years old.

**“Owner” defined.**

*Owner* means any of the following:

1. The owner of a facility where the business of Body Art is performed.
2. The operator of a facility where the business of Body Art is performed.
3. A sole owner or operator who performs Body Art.
4. A person who employs practitioners to perform Body Art, or any other activity regulated by this chapter.

**“Permanent Cosmetics” defined.**

*Permanent Cosmetics* means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or appearance of the skin. This shall include, but is not limited to, permanent eyebrows, eyeliner and lip color.

**“Piercing Device” defined.**

*Piercing Device* means any DEH approved instrument that is used to create an opening in the human body for the purpose of inserting jewelry or other decoration.

**“Piercing Gun” defined.**

*Piercing Gun* means a handheld tool that shall be used exclusively for piercing the lower lobe of the ear, into which single use pre-sterilized studs and clutches are placed and inserted into the lower ear lobe by a hand squeezed or spring loaded action to create a permanent hole.

**“Potable Water” defined.**

*Potable Water* means water that complies with the standards for transient non-community water systems pursuant to the California Safe Drinking Water Act, California Health and Safety Code, Chapter 4 (commencing with Section 116275 of Part 12) to the extent permitted by federal law.

**“Practitioner” defined.**

*Practitioner* means a person who is registered with DEH to perform Body Art as defined by these regulations.

**“Pre-sterilized” defined.**

*Pre-sterilized* means instruments and procedure set-ups that are sold individually packaged and processed to render them free from all microorganisms. Each pack shall have a sterilization lot number from the purchasing facility and a date before which the instruments shall be used.

**“Preparation Room” defined.**

*Preparation room* means a room or a designated portion of a room that is used to clean and sterilize reusable equipment and devices that are used for the practice of Body Art.

**“Procedure Room” defined.**

*Procedure room* means a room or a designated portion of a room where instruments and supplies are used during application of Body Art.

**“Sharps Waste” defined.**

*Sharps waste* means any device having acute rigid corners, edges, or protuberances capable of cutting or piercing the skin, that has been used in the performance of body art and that have not been disinfected or sterilized following use including but not limited to, all of the following:

1. Tattooing needles and needle bars.
2. Disposable piercing needles.
3. Disposable razors.

**“Sharps container” defined.**

*Sharps container* means a rigid puncture resistant commercial sharps container that, when sealed, is leak resistant and cannot be reopened without great difficulty.

**“Sterilization” defined.**

*Sterilization* means the complete destruction of all microbial life forms including spores.

**“Tattooing” defined.**

*Tattooing* means to pierce or puncture the human skin with a needle or other instrument for the purpose of inserting pigment under the surface of skin.

**“Workstation” defined.**

*Workstation* means an area within a procedure room that is set up for the application of Body Art and is an area with unimpeded access to a hand sink.

**II. Applicant Requirements for Body Art Practitioners, Lower Lobe Ear Piercers and Owners or Operators of Body Art Facilities.**

- (A) Any person applying for a Body Art permit shall be at least 18 years of age at the time of application.
- (B) All applicants shall obtain a copy of these regulations from DEH and commit to meet the regulations.
- (C) All permit applicants shall register with DEH using a form obtained from DEH that includes at a minimum the following: applicant’s name, date of birth, mailing address, and all business addresses and business phone numbers within the DEH’s jurisdiction at which the applicant will perform any activity regulated by these regulations.

- (D) All practitioners shall provide to DEH, at the time of inspection, proof of completion of an Exposure Control Training Plan.
- (E) A practitioner already registered and practicing and managers of Lower Lobe Ear Piercing facilities shall, along with application, provide DEH proof of Bloodborne Pathogen Training and Hepatitis B vaccination Certification or Declination before a permit is issued.
- (F) All applicants who have not filled out a permit application shall pay to DEH a registration fee and an annual permit fee.

### **III. Body Art Practitioner / Lower Lobe Ear Piercer Permits**

A permit shall be required for each practitioner/piercer who performs any activity regulated by this chapter.

- (A) The permit shall be prominently displayed to the public at the practitioner's workstation.
- (B) A copy of the permit shall be displayed at each location the practitioner works.
- (C) The permit shall not be transferable from one person to another.
- (D) The permit shall be renewed annually.
- (E) At time of application, Body Art practitioners shall show proof of recent Bloodborne Pathogen Training and Hepatitis B vaccination certification or declination form.
- (F) At time of application, managers of Lower Lobe Ear Piercing facilities shall show proof of recent Bloodborne Pathogen training.

### **IV. Facility Owner Permits**

A permit shall be required for each facility at which practitioners perform any activities regulated by this chapter

- (A) The permit shall be prominently displayed to the public where other permits are on view in the facility.
- (B) The permit shall not be transferable from one facility to another.
- (C) The permit shall be renewed annually.



## **V. Client requirements**

- (A) Persons receiving tattooing and/or permanent cosmetics shall be at least 18 years of age regardless of parental consent. Violation of this requirement is a misdemeanor pursuant to Penal Code Section 653.
  - 1. This shall not apply to emancipated minors.
  - 2. This shall not restrict the activities of a physician and surgeon licensed under Chapter 5 of Division 2 of the Business and Professions Code.
- (B) Persons under the age of 18 shall not receive body piercing unless the body piercing is performed in the presence of the person's parent or guardian. Violation of this requirement is an infraction pursuant to Penal Code Sections 19.8 and 652.
  - 1. Emancipated minors are not required to obtain parental consent.
  - 2. Nipple and genital piercing is prohibited on minors regardless of parental or guardian consent.
- (C) Body Art shall not be performed on skin that has rash, pimples, evidence of infection, open lesions, moles, sunburn, past history of herpes infections (also known as cold sores or fever blisters), or manifests any evidence of unhealthy conditions without clearance by a physician licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.
- (D) Body Art shall not be performed on a potential client who has medical conditions requiring physician-prescribed antibiotic therapy before any invasive procedures (i.e. dental work, Body Art) without clearance from a physician treating the client.
- (E) Body Art shall not be performed on any person who is impaired by drugs or alcohol or who is incapable of making an informed consent or following aftercare instructions.

## **VI. Facility Owner Responsibilities**

In addition to complying with permit requirements as noted in Section IV, an owner shall:

- (A) Allow a representative from DEH or any duly authorized representative, after proper identification, to enter during business hours, any facility within his/her jurisdiction to inspect and make as many additional inspections or re-inspections as are necessary for enforcement of these regulations. This includes temporary or mobile facilities.

- (B) Require and ensure that all individuals within the facility practicing Body Art are registered and permitted and are in compliance with all health, safety, sanitation and sterilization standards of these regulations.
- (C) Maintain a current list of practitioners providing Body Art at the facility for review by the DEH representative during inspections.
- (D) Notify DEH when a practitioner leaves or a new practitioner starts working at the facility.
- (E) Develop and ensure compliance with the Exposure Control Plan (Plan) as specified in Section XI of these regulations.
- (F) Provide a copy of the Plan during facility inspections.

## **VII. Hepatitis B Vaccination**

All Body Art practitioners must:

- (A) Document protection against Hepatitis B (HBV) in the form of:
  1. Certification of vaccination, or,
  2. Laboratory evidence of immunity
- (B) Show Certification of Vaccination Declination for HBV.
- (C) Make all HBV documentation available before application for permit is accepted.

It is recommended, but not required, that Lower Lobe Ear Piercers receive Hepatitis B vaccination.

## **VIII. Body Art Practitioner Facility Requirements**

- (A) Every area including, but not limited to workstation(s), cleaning area or room, instrument storage area(s), restroom(s), walls and floors shall be constructed and maintained to an acceptable manner so as to provide a durable, smooth, nonabsorbent surface that is easily washable using a California registered disinfectant to clean and disinfect any surface contaminated with blood or body fluids. Concrete blocks or other masonry used in wall construction shall be covered to be made smooth and sealed for a non-absorbent washable surface.
- (B) Adequate toilet facilities in accordance with the specifications of the Uniform Plumbing Code and any other local ordinances shall be provided. This includes toilet paper. A hand sink shall be located inside the restroom and shall be supplied with antimicrobial liquid hand soap in

a wall mounted pump dispenser and single use paper towels or other approved hand drying device.

- (C) The premises shall be constructed and maintained in a state of good repair at all times to prevent insect and rodent infestation.
- (D) The premises shall be well ventilated and be provided with an artificial light source equivalent to at least 20 foot-candles.
- (E) At least 50 foot-candles of artificial light equivalent shall be provided at the level where the body art procedure is being performed.
- (F) All surfaces, including but not limited to, counters, cabinets, tables, equipment, chairs, recliners, shelving, and cabinets in the service areas and cleaning room shall be made of smooth non-absorbent materials that can be easily cleaned using a California registered disinfectant liquid to clean and disinfect any surface contaminated with blood or body fluids.
- (G) Hand sinks with hot (at least 105° F) and cold running water action shall be located in each workstation. Hand sinks shall be supplied with wall mounted antimicrobial liquid hand soap and single use paper towels from sanitary dispensers. If there are two or more workstations within a room, all may share the hand sink. A workstation in a separate room shall include a hand sink.
- (H) The cleaning room or area shall be separated from any other area in the facility, by a room wall or other barrier, such as a screen, extending from the floor to a minimum height of 8 feet. The cleaning room or area shall have a separate sink reserved only for instrument disinfectant activities. The cleaning room or area shall have an approved ultrasonic cleaning unit and a steam sterilizer unless only one-time use pre-sterilized instruments are employed. The ultrasonic cleaning unit and steam sterilizer shall be separated by a minimum distance of 36 inches
- (I) Water supply shall be potable from an approved source.
- (J) Sewage, including liquid wastes, shall be disposed of in a public sewer system, or, in absence thereof, in a manner approved by the DEH.

#### **IX. Temporary Facility Permit**

- (A) Temporary facility permit (s) may be issued for Body Art or Lower Lobe Ear Piercer services provided outside of the physical site of a facility registered with DEH for the purposes of product demonstration, industry trade shows or for educational reasons.

- (B) Temporary facility permits will not be issued unless:
1. Application for permit for the practitioner and/or temporary facility has been submitted for review by DEH, at least 30 days prior to the event.
  2. The applicant has paid all required fees set by DEH.
- (C) If applicant is currently registered with DEH, then only a temporary facility permit is required.
- (D) The following criteria pertain to temporary facility permits:
1. Temporary facility permits expire after 10 days from the date the permit is issued by DEH or upon conclusion of the event whichever is less, unless additional time has been granted by DEH in writing.
  2. Temporary facility permit (s) shall not be transferable from one place to another or from one person to another.
  3. Temporary facility permit (s) shall be posted in a prominent and conspicuous place so clients can readily observe it.
- (E) Temporary facilities include those for educational or convention purposes. To the extent possible, they shall meet the requirements in Section VIII. At a minimum, they must include the following. Lower Lobe Ear Piercers need comply with only requirements listed in 1, 2, 3 and 4.
1. Hand wash facilities located within each work or demonstration area.
  2. Hand wash facilities shall consist of liquid antimicrobial hand soap, single-use paper towels and warm potable water dispensed from an insulated container that contains at least 5 gallons of potable water with a spigot that is raised a minimum of 25 inches off the floor.
  3. Waste water shall be collected in a bucket that will hold at least 7.5 gallons of waste water placed on the floor under the spigot. Warm potable water shall be replenished and wastewater removed as necessary to the sanitary sewer system, or, in the absence thereof, in a manner approved by DEH.
  4. There shall be at least 50 foot-candles of artificial light equivalent at the level where the procedure is being performed.
  5. A separate cleaning and sterilization area shall be provided for use by the practitioners that supply an adequate number of sinks and DEH approved sterilization units for cleaning and steam sterilizing equipment to be used during the event.
  6. Only steam sterilization units approved by DEH, cleaned and maintained according to manufacturer's instructions, shall be utilized.
  7. All steam sterilization units used at the event shall have certificate of a negative spore test on the sterilizer within the last 30 days.
- (F) Mobile Body Art facilities shall comply with the following requirements:

1. The mobile vehicle shall be equipped with a sink for the exclusive use of the practitioner for hand washing and preparing clients.
2. Hand sink shall be supplied with liquid antimicrobial hand soap.
3. An adequate supply of, at least, 5 gallons of warm (at least 105° F.) potable water shall be maintained when the mobile facility is performing any Body Art procedures.
4. Waste water containers shall be able to hold, at least, 7.5 gallons of water.
5. If there is not an on-board restroom, the mobile vehicle shall be operated within 200 feet of a public restroom.
6. All Body Art procedures shall be performed inside the mobile vehicle.

## **X. Housekeeping**

Body Art Facilities shall meet the following criteria:

1. No one under the age of 18 shall be allowed in a workstation unless accompanied by a parent or legal guardian.
2. All areas shall be kept neat, clean and in good repair.
3. A California registered disinfectant shall be used after cleaning to disinfect any surface contaminated with blood or body fluids.
4. All surfaces and equipment (chairs, work stations, counters, client chairs or recliners, dispensers) in the procedure area shall be made of smooth, nonabsorbent, non-porous material that can withstand repeated use of California registered disinfectants.
5. All facilities shall have the waiting area separated from workstations and the cleaning room or area. A public restroom shall be available to clients during all business hours.
6. Body Art activities shall be separated from nail and hair activities by a solid barrier in such a manner as to prevent contact with irritants, including but not limited to, hair spray and nail dust.
7. The cleaning room or area shall be set up in a manner to provide distinct, separate areas for cleaning equipment and for the handling and storage of sterilized instruments. The cleaning area sink shall be reserved for instrument cleaning only.
8. Large capacity ultrasonic cleaning units shall be clearly labeled "biohazardous" and placed away from the sterilizer and workstations.
9. All ultrasonic cleaners shall be cleaned and maintained according to manufacture's specifications.
10. Adequate waste receptacles shall include lids and be available in each workstation for the disposal of trash and debris.
11. Each workstation shall have a commercial sharps container that is rigid, puncture proof, leak proof, and labeled with "Sharps Waste" and the biohazard symbol and shall be used for the disposal of sharp objects that come into contact with skin, blood and body fluids.

12. The procedure area and client chair/table shall be wiped down with a California registered disinfectant using a single use paper towel after each client leaves the procedure area.
13. All disinfectants shall be used according to manufacturer's recommendations.
14. All chemicals shall be properly labeled and stored.
15. Pets or other animals shall not be permitted in the facility.
16. Trained guide or assistance animals as described in the Civil Code Section 54.1 or Chapter 9.5 (Section 7200) of Division 3 of the Business and Professional Code for the disabled and fish in aquariums in the waiting areas are exempted.

#### **XI. Practitioner Exposure Control Plan**

- (A) The owner of every Body Art facility shall establish a written Exposure Control Plan (Plan) applying to all employees practicing Body Art at the facility.
- (B) The Plan shall include procedures within a facility, describing how the applicable requirements of this standard will be implemented. The Plan shall contain at least the following elements from the applicable sections with the regulations, including: (V) Client Requirements, (VIII) Facility Requirements, (X) Housekeeping, (XIII) Approved Sterilization Equipment and Monitoring Methods, (XIV) Instrument Sterilization and Instrument Set-Up, (XV) Disposal of Contaminated Wastes, and (XVI) General Body Art Practices and Procedures.

#### **XII. Exposure Control Training Requirements for Practitioners**

- (A) All persons registered and permitted to perform Body Art procedures shall receive Exposure Control Training that is specific to their respective Body Art practices.
- (B) Training shall be completed within 90 days of the effective date of these regulations and thereafter must be updated at least every 3 years. Additional training shall be given when changes such as procedure modifications or development of new procedures affect the practitioner or client's exposure. Additional training may be limited to addressing the new exposures created and documentation of notification to staff.
- (C) The person conducting the training shall be knowledgeable in the subject matter covered by the training program as it relates to the workplace that the training will address. A list of providers for Blood Borne Pathogen Training will be made available by DEH.
- (D) The training program shall contain, at a minimum, the following elements:

1. Material appropriate in content and vocabulary to educational level, literacy, and language of trainees shall be used;
2. An accessible copy of the regulations and other applicable regulations and an explanation of their content;
3. A general explanation of the epidemiology and symptoms of bloodborne pathogen diseases and other types of exposures appropriate for the practice of the trainee;
4. An explanation of the modes of transmission of bloodborne pathogens and other communicable diseases appropriate for the practice of the trainee;
5. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood for either the trainee, the client, or both;
6. An explanation of the use and limitations of methods that will prevent or reduce exposure to both the trainee and the client;
7. Information on the types, proper use and removal of gloves and proper hand washing techniques;
8. Information on the Hepatitis B vaccine, including information on its efficacy, safety, method of administration, and the benefits of being vaccinated;
9. An explanation of what constitutes a blood exposure incident, the risk of disease transmission following a blood exposure incident, and the options for post-exposure evaluation and follow-up if an exposure incident occurs, specific to each bloodborne pathogen;
10. An opportunity for interactive questions and answers with the person conducting the training session.

#### **XI. Approved Sterilization Equipment and Monitoring**

The Body Art facility and practitioners shall not be required to have an ultrasonic cleaner and a steam sterilizer if only individually packaged, sterile equipment is used. If any instruments or equipment are re-used, they must be cleaned in an ultrasonic cleaner and sterilized in a steam sterilizer.

Instruments used in Body Art application shall be properly cleaned and packaged in sterilizer bags with a color change indicator and sterilized in equipment that meets the following requirements:

- (A) Sterilizing equipment purchased with written documentation that the sterilizer passed spore testing before original use.
- (B) Meets the approval of DEH.
- (C) Operated, cleaned and maintained to manufacturer's specification.
- (D) Tested at least monthly by a certified laboratory (unless otherwise specified by the manufacturer) by using a commercial biological monitoring (spore) system to assure that all microorganisms, including

heat resistant spores have been destroyed. Biological test results must be available for inspection at all times.

- (E) Tested for efficacy, whenever in use, by indicator tape, integrator or some other efficacy indicator attached to the middle of each load.

#### **XIV. Instrument Sterilization, Set-Up and Use**

- (A) Contaminated non-disposable equipment, including but not limited to, needle tubes, body piercing tubes or other instruments that are contaminated shall be immersed in a California approved disinfectant solution in the cleaning area or room until cleaned and sterilized.
- (B) Before being sterilized, all instruments shall be thoroughly cleaned in an ultrasonic cleaner following manufacturer's instructions.
- (C) After cleaning, non-disposable instruments shall be packaged into sterilization bags with color change indicators or packaged individually in peel-packs with color change indicators. All packages shall be dated and initialed by the preparer. If a sterilized package has been breached or allowed to get wet, the instrument(s) must be re-packaged and sterilized again before use.
- (D) Each sterilized bag shall be dated and initialed by the person preparing the instruments and equipment.
- (E) After sterilization, the packaged instruments shall be stored in a clean dry cabinet or other tightly covered container reserved and labeled for storage of sterile instruments.
- (F) A log of sterilization procedures shall be maintained near the sterilizing equipment. Included in the log shall be type of load, quantity of load, temperature, pressure and length of sterilizing time.
- (G) Wearing new clean disposable examination gloves, the Body Art practitioner shall use proper techniques to assemble, without contamination, all instruments and supplies as follows:
  1. Sterilized instruments shall remain in sterile packages until opened in front of the client.
  2. A pierced, torn or contaminated glove shall be properly removed, both gloves discarded and replaced by new gloves.
  3. Gloves shall be discarded after completion of each procedure on an individual client, and hands washed prior to donning the next pair of gloves.
  4. Under no circumstances shall a single pair of gloves be used on more than one individual.



5. Use of disposable examination gloves does not preclude or substitute for hand washing procedures.

## **XV. Contaminated Waste**

Contaminated wastes generated by Body Art facilities and practitioners and Lower Lobe Ear Piercers shall be classified in two categories:

- (A) Contaminated sharps means any contaminated object that can penetrate the skin including, but not limited to, tattoo needles, permanent cosmetic needles, piercing needles and razors. The disposal of all contaminated sharps waste shall be done in accordance with the California Health and Safety Code, Division 104, Part 14, Section 1175600-118360.
- (B) Other waste, meaning waste other than sharps waste, which includes but is not limited to, gauze, wipes, tissues, unused dyes and inks, and other non-sharps used in Body Art, shall be placed in plastic bags, securely tied and disposed daily in a refuse container that prevents unauthorized access. This material shall be transported by a licensed solid waste hauler to an approved landfill or transfer station.

## **XVI. General Body Art Practices and Procedures**

- (A) Before any procedure is started, the practitioner shall discuss all the topics on the DEH approved information and consent forms for the application of Body Art. This information shall include the Body Art procedure to be performed on the client and the possible complications that may occur during the procedure. The client shall fill out and sign the forms. The practitioner shall indicate types of documents such as a driver's license, passport, original birth certificate or school identification card, received to verify the age of the client. The practitioner shall verify, by signature that all information filled out by the client is, to the practitioner's knowledge, correct. The facility shall retain an original copy of each form and a copy given to the client if requested.
- (B) Aftercare instructions shall be reviewed with the client. Aftercare instruction shall consist of verbal and written instruction concerning proper care of the affected skin and area. Instructions shall specify:
  1. Responsibilities and care following the Body Art procedure(s) or Lower Lobe Ear Piercing.
  2. Possible side effects specific to the type of procedure(s).
  3. Physical restrictions with an activity time line.
  4. Signs and symptoms of local or general infection.
  5. Instructions to call a physician if any of the addressed signs and symptoms appears or for any other reason related to the Body Art procedure.

6. If physician care is required by the client, instruct the client to notify the Body Art facility and practitioner of the problem and resolution by a physician or clinic. This information shall be placed in the client's file.
- (C) The practitioner and client shall not smoke, eat or drink at the workstation or preparation and procedure rooms at any time. The client may request a non-alcoholic beverage in case of emergency.
  - (D) The practitioner shall thoroughly wash hands, as defined in Section I, before and after each client, to prevent cross contamination and/or transmission of body fluids, infections or exposure to service related chemicals or wastes.
  - (E) The practitioner shall wear new clean disposable examination gloves for every client during the procedure and, if a glove is torn or otherwise compromised, discard both gloves and don a new pair.
  - (F) The practitioner shall use single use new disposable drape lap cloths or aprons for each client. All drapes, lap cloths, and aprons shall be stored in a closed cabinet or container. Used disposable items shall be placed into a closed container lined with a plastic bag for disposal at the end of each day or more frequently if necessary.
  - (G) Immediately, before any procedure is begun, the procedure area, including the instrument tray, shall be wiped down with a California registered disinfectant liquid and the procedure tray covered with a cover, such as an absorbent pad, excluding paper towels, plastic wrap, waxed paper or aluminum foil. All instruments and supplies needed for the procedure shall then be arranged on the single-use tray cover. When the procedure is completed and after the instruments have been removed, the tray cover shall be discarded into the trash receptacle.
  - (H) All pre-sterilized instruments or facility sterilized instruments used in any Body Art procedure shall be opened in front of the client.
  - (I) Before starting any procedure, the practitioner shall clean any area other than the face with antimicrobial soap. The area shall be cleaned during and after the procedure with an antimicrobial soap that has been applied with a single use paper product that is discarded after use. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used and discarded into an approved sharps container after each use and, the reusable blade holder shall be sterilized in an autoclave after each use. Following shaving, the skin and surrounding area shall be washed with an antimicrobial soap and water or an antimicrobial solution applied with a clean, single use paper product that is discarded after use.

Upon completion of any Body Art or Lower Lobe Ear Piercing procedure, aftercare instructions included in Section XVII B shall be repeated.

## **XVII. Tattooing Procedures and Practices**

In addition to following procedures and practices in Section XVI, the tattoo practitioner shall abide by these specific procedures:

- (A) Needles or needle bars shall be in packaging that indicates sterility prior to tattooing. Needles, needlebars and grommets shall be used only once and then disposed in a sharps container.
- (B) Any part of a tattooing machine that may be touched by the practitioner during the procedure shall be covered with a disposable plastic sheath that is discarded after each procedure and the machine shall be disinfected as defined in Section XIV.
- (C) A clip cord sleeve and barrier film shall be used over exposed electrical cords or other cleaning and disinfection methods demonstrated to prevent contamination.
- (D) All devices used to apply pigments must be designed and used to prevent backflow of pigments into the machine.
- (E) All substances used in the procedures shall be dispensed from containers in a manner to prevent contamination of the unused portion.
- (F) When a workstation rinse cup is used alone, the cup and solution shall be changed after each client.
- (G) If spray bottles are used to dispense liquids, the liquid shall be sprayed onto a single-use wipe rather than directly onto the client.
- (H) Single use ointment tubes, applicators and supplies shall be discarded after each tattoo application.
- (I) The use of hectographic or single-service tissue stencils shall be required for applying a tattoo outline to the skin. The use of acetate or other multiuse stencils is prohibited.
- (J) When the design is drawn free hand, non-toxic markers or other devices shall be used and discarded after each use.

- (K) Individual portions of inks, dyes or pigments in single-use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure.
- (L) If inks, dyes or pigments are prepared by the tattoo practitioner, only non-toxic, non-contaminated materials shall be used.
- (M) The stencil shall be applied with the antimicrobial soap or some other approved product dispensed from a container in a manner that does not contaminate the unused portion.
- (N) The tattooed area shall then be covered with ointment that is held in place with suitable skin tape.

### **XVIII. Body Piercing Procedures and Practices**

In addition to following the procedures and practices described in Section XVI, the body piercing practitioner shall abide by these specific procedures:

- (A) All piercing needles shall be single use, sterilized disposable type and disposed of immediately after use into a sharps container.
- (B) All instruments including, but not limited to, forceps, hemostats and tubes as defined in Section I shall be properly cleaned and sterilized as defined in Section XIII.
- (C) All non-sterilized implements such as calipers shall be nonporous and disinfected after each use with an appropriate California approved disinfectant.
- (D) Only pre-sterilized jewelry or ornaments in new or good condition shall be used for an initial piercing. Ear studs or other jewelry designed for ears shall not be used in other parts of the body.
- (E) For new or initial piercing, the use of previously worn jewelry is prohibited.
- (F) Only jewelry manufactured of surgical implant stainless steel meeting American Society for Testing and Material Standards (ASTMS) grade F138, surgical implant solid 14K through 24K white or yellow gold, niobium, surgical implant titanium of Ti6A4V ELI, ASTMS F-136-98, platinum or other materials considered by the DEH to be equally bio-compatible and capable of adequate cleaning and sterilization shall be inserted into the newly pierced skin.

## **XIX. Permanent Cosmetics Procedures and Practices**

In addition to following the procedures and practices described in Section XVI, the permanent cosmetic practitioner shall abide by these specific procedures:

- (A) The permanent cosmetic practitioner shall not be required to have an ultrasonic cleaner and a hospital grade sterilizer if only individually packaged, sterile, single use needles, needle chambers, and combo couplers are used. If any instruments are reused, they must be cleaned in an ultrasonic cleaner and sterilized in the procedures described in Section XIV.
- (B) If a manual device is used, it shall be single use and disposable. The device shall be sterilized before use and discarded into a sharps container at the end of each procedure.
- (C) The use of some rotary pens (also called cosmetic machines) is permitted. Any rotary pen that uses a sponge at the opening of the chamber to stop the pigment or body fluids from getting into the machine or is designed in a manner that does not allow it to be properly cleaned and sterilized is prohibited.
- (D) Only rotary machines or other instruments that are engineered to prevent cross contamination through the use of detachable, disposable, autoclavable components that can be autoclaved shall be used.
- (E) Fresh pigment and disposable pigment containers shall be used for each client. Used pigment and pigment containers shall be discarded after each client.
- (F) All disposable items such as cotton balls, Q-tips, tissue, water cups, that have come into contact with the procedure table, chair or workstation shall be discarded into a closed container lined with a plastic bag and removed at the end of the procedure, if full, or end of day. After the procedure, a thin coat of healing ointment such as sterile petroleum jelly may be applied using a sterile Q-tip, cotton ball or applicator that must be discarded into the trash after use.

## **XX. Lower Lobe Ear Piercing Procedures and Practices**

In addition to following procedures and practices described in Section XVI (A), (B),(C),(D) and (I) as well as cleaning the lower ear lobe with a disposable antimicrobial wipe such as alcohol, the ear piercer shall abide by these specific procedures:

- (A) The ear piercing gun used in lower ear lobe piercing shall comply with the definition in Section I of these regulations in addition to:

1. Shall be made of plastic, stainless steel or other material that can be disinfected after each use.
  2. Shall be disinfected immediately after use with a California registered disinfectant liquid.
  3. Shall not be used for piercing any other body part, skin or other internal / external tissue.
  4. Shall be capable of being loaded without the need to touch the studs or the stud holding devices on the gun.
- (B) Ear piercing studs shall be sterile before being used.
1. Only pre-sterilized packaged ear studs shall be used.
  2. Ear studs shall not be handled with bare hands.
- (C) The owner of a facility where Lower Lobe Ear Piercing is performed shall notify DEH if any type of Body Art including tattooing, other body piercing or application of permanent cosmetics is being performed by the lower lobe ear piercer.

## **XXI. California Occupational Safety and Health Administration (Cal/OSHA)**

Nothing in these regulations is intended to conflict with or preclude the application of, or compliance with, the Cal/OSHA Standard, California Code of Regulations, Title B, Section 5193.

## **XXII. Severability**

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