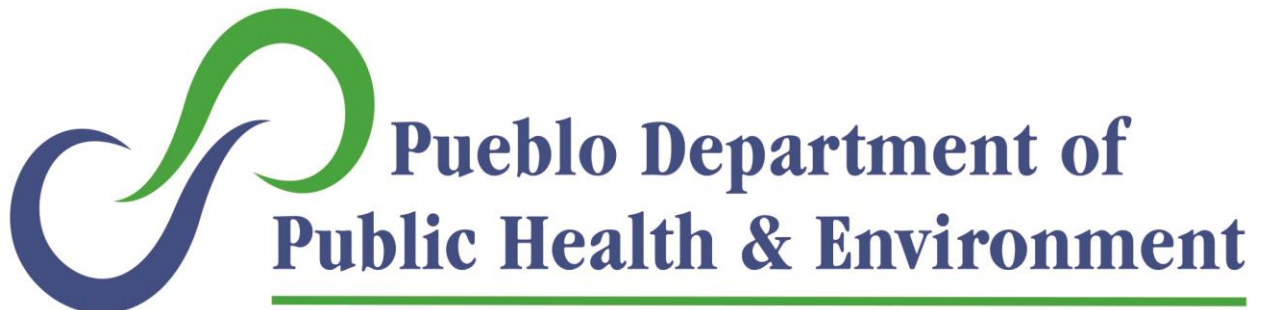


PUEBLO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

# BODY ART REGULATION NO. X

---



**Pueblo Department of Public Health and Environment Board of Health  
Adopted: April 27, 2016  
Effective: May 2, 2016**

## **SECTION 10.1: PURPOSE AND APPLICABILITY**

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

## **SECTION 1: DEFINITIONS AND PURPOSE**

### **AFTERCARE INSTRUCTIONS**

Written instructions given to the client, specific to the body art procedure(s) rendered. These instructions shall include information regarding when to seek medical treatment, if necessary.

### **ANTISEPTIC**

A substance that inhibits growth of bacteria and other microorganisms when applied to the skin (e.g., chlorhexadine gluconate, alcohol and iodophor).

### **APPROVED BODY ART ESTABLISHMENT**

Any location, whether temporary, permanent or mobile, where the practices of body art are performed and the Person in Charge has a current Certificate of Approval from the Department.

### **BIO HAZARDOUS WASTE**

Anything that may be contaminated with a blood-borne pathogen or any other potentially infectious material (OPIM) from human bodily fluids and waste. (per OSHA CPL 02-02-0693)

### **BOARD OF HEALTH**

The Pueblo Department of Public Health and Environment Board of Health.

### **BODY ART**

The practice of physical body adornment by establishments or artists utilizing, but not limited to, the techniques of body piercing, tattooing, branding, sculpting and scarification. This definition does not include practices conducted under the supervision of a physician licensed to practice medicine under Colorado law or piercing of the outer perimeter or lobe of the ear by means of sterilized stud-and clasp ear piercing systems.

### **BODY ARTIST**

Any person who performs body art procedures.

### **BRANDING**

A procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.

**CERTIFICATE OF APPROVAL**

A document issued by the Department granting a body art facility authorization to perform body art procedures.

**COMMERCIALLY STERILIZED INSTRUMENTS**

Those that are pre-sterilized by the manufacturer. Packaging shall bear a legible sterilization lot number, indicator change and expiration date.

**CONTAMINATED**

The presence or reasonably anticipated presence of blood, infectious materials or other types of impure materials that have corrupted a surface or item through contact.

**CONTAMINATION**

To make unfit for use by the introduction or potential introduction of blood, infectious materials or other types of impure materials.

**COSMETIC TATTOOING**

See TATTOOING

**CRITICAL ITEM VIOLATION**

A provision of these rules that, if in non-compliance, has the potential for immediate impact on the public health by resulting in infection of either clients or staff of a body art facility, or disease transmission among clients or staff of a body art facility.

**DEPARTMENT**

The Pueblo Department of Public Health and Environment.

**DISINFECTANT**

An EPA registered hospital grade disinfectant which has effectiveness against *Salmonella choleraesuis*, *Staphylococcus aureus* and *Pseudomonas aeruginosa*, HIV and HBV or a 1:10 dilution of 5.25% sodium hypochlorite (chlorine bleach) and water, made fresh daily and used to decontaminate inanimate objects and surfaces.

**DISINFECTION**

To destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces.

**EVENT COORDINATOR**

The person responsible for obtaining health department approval for a temporary event, and the person responsible for ensuring compliance with these regulations at temporary events.

## **EXTENSIVELY REMODELED**

Any major alteration of an existing configuration in a body art establishment that result in one or more of the following:

1. Addition or deletion of a body art procedure station or area used to clean, sterilize or store body art equipment, tools and supplies;
2. Alterations or revisions involving body art establishments or related equipment that require a building or construction permit by local building authorities;
3. Changes or alterations that result in a deduction or increase of total space by 25% or more.

## **GLOVES**

Those which are single use, and are labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy-duty (minimum 7.5 mil), single-use, non-latex and waterproof.

## **HECTOGRAPHIC**

A copy made from a prepared gelatin surface to which the original document has been transferred.

## **INFECTIOUS WASTE or REGULATED WASTE**

Blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials; items caked with blood or other potentially infectious materials that can release these materials upon handling (per OSHA CPL 02-02-0693); contaminated sharps; and human pathological/anatomical waste.

## **INVASIVE**

Entry through the skin or mucosa either by incision or insertion of an instrument, body ornament, or any other means.

## **JEWELRY**

Any ornament inserted into the body.

## **MINOR CLIENT**

Any person under the age of eighteen (18) years.

## **MOBILE UNIT**

An enclosed unit on wheels, and is readily moveable, which may only be used for the performance of body art services in conjunction with a temporary event approved the Department.

## **NEEDLE (NEEDLE APPARATUS)**

The instrument and its permanently assembled components used to puncture the skin with the intent to create an opening for the insertion of jewelry or pigmentation.

**OTHER POTENTIALLY INFECTIOUS MATERIAL**

Any material or bodily fluid that may contain a blood-borne pathogen or infectious agent.

**PERSON IN CHARGE**

The owner, manager or individual(s) present at the body art establishment who is responsible for the operation at the time of an inspection. If no individual is responsible, then any employed person/independent contractor present is the person in charge. If multiple body artists share operation of the establishment, then each artist shall be considered a person in charge and shall be accountable for all requirements of this regulation with regard to common areas and practices in addition to his/her own separate areas and practices.

**PIERCING**

Puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry or other adornment in the opening.

**PROCEDURE AREA**

Any surface of an inanimate object that contacts the client's skin during a body art procedure and all surfaces where instruments and supplies are placed during a procedure.

**REGULATED WASTE**

Any waste or trash whose contents may contain a blood-borne pathogen or infectious agent. (per OSHA CPL 02-02-0693)

**SCARIFICATION**

An invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.

**SCULPTING**

A modification of the skin, mucosa, cartilage or tissue of the body for non-medical purposes.

**SHARPS CONTAINER**

A puncture-resistant, leak proof, rigid container that can be closed for handling, storage, transportation and disposal, and is labeled with the Universal Biological Hazard Symbol.

**SHARPS**

All objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa including, but not limited to, single use needles, scalpel blades and razor blades. It does not include disposable safety razors which have not broken the skin.

**SINGLE USE**

A disposable item intended and designed to be used only one time on one individual.

**STERILIZATION**

A process that results in the total destruction of all forms of microbial life, including highly resistant bacterial spores.

**STERILIZER**

An autoclave that is designed by the manufacturer, and classified as a Class II medical instrument sterilizer and is used for the destruction of microorganisms and their spores.

**TATTOOING**

Inserting pigment under the surface of the human skin or mucosa by pricking with a needle or other means, to permanently change the color or appearance of the human skin or to produce an indelible mark or figure visible through the human skin.

**TEMPORARY BOOTH**

A self contained booth as required in section 5-503 of these regulations.

**TEMPORARY EVENT**

An industry trade show, convention, procedural/product demonstration, educational seminar, or other similar event at which body artists perform body art services and procedures outside of a permanent body art establishment approved by the Department. And that last no longer than fourteen (14) consecutive days.

**ULTRASONIC CLEANING UNIT**

A piece of equipment approved by the Department, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of heat and high frequency oscillations transmitted through the contained liquid.

**UNIVERSAL PRECAUTIONS**

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

## **SECTION 2: MINIMUM REQUIREMENTS FOR BODY ARTISTS**

- 2-201** All body artists shall comply with the following:
1. Successfully complete an OSHA approved blood-borne pathogens training. Proof of training in the form of a Certificate of Completion shall be retained and made available to the Department upon request.
  2. Update the training required in Section 2-201 (a), at a minimum, once per year.
  3. Successfully complete and maintain approved training in Basic First Aid.
  4. Possess and demonstrate knowledge of Universal Precautions, Blood-borne pathogen control, disinfection and sterilization techniques, procedures for infection and exposure control required in section 7-701(1), and the Infectious Waste Management Plan required in Section 7-701(2).
  5. Receive vaccination against Hepatitis B (HBV) or provide a written statement to the Person in Charge of the body art establishment stating that the artist declines the vaccination.

## **SECTION 3: MINIMUM REQUIREMENTS FOR BODY ART ESTABLISHMENTS**

- 3-301** No body art establishment shall operate within Pueblo County without obtaining a body art establishment Certificate of Approval from the Department.
- 3-302** No new or extensively remodeled body art establishment shall be permitted to operate until a plan review has been conducted in accordance with 10-1002 and the Department has conducted a preopening inspection and determined that the establishment is in compliance with the PDPHE Body Art Regulations.
- 3-303** The Department shall issue a body art establishment Certificate of Approval after determining that the establishment is in compliance with PDPHE Body Art Regulations, and after all related fees and any penalties due to the Department have been paid. The operator shall post the body art establishment Certificate of Approval in a conspicuous location. The body art establishment Certificate of Approval shall be current at all times.
- 3-304** When a body art establishment changes ownership both the facility and its operation shall be brought into full compliance with these regulations prior to the issuance of the Certificate of Approval.

- 3-305** The body art establishment must have a person(s) in charge at all times who is responsible for the operation.
- 3-306** The person in charge shall have access to the following information and it shall be on the premises for review by the Department:
1. Contract or agreement for sharps disposal and/or other Infectious/Regulated Waste disposal
  2. Sterilizer load log and spore test results
  3. Client records
  4. Manufacturer's information on sterilization equipment
  5. Infection and exposure control written procedures
  6. Employee/independent contractor records include:
    - A. Full legal name
    - B. Home address
    - C. Home phone number
    - D. Proof that all employees/independent contractors handling sharps and/or infectious waste have completed the hepatitis B vaccination series or have a written declination
    - E. Proof of blood-borne pathogens training as required in Section 2-201 (1)
    - E. Proof of first aid training as required in Section 2-201(3)
    - F.        Written agreement that each employee/independent contractor understands and is responsible for compliance with the PDPHE Body Art Regulations
- 3-307** Reporting requirements shall include all infections, complications or diseases resulting from any body art procedure that become known to the person in charge/body artist and shall be reported to the Department by the person in charge/body artist within 24 hours after discovery.
- 3-308** The person in charge shall have access to and shall maintain client records on the premise for a minimum of three (3) years. The client records shall be available for review by the Department.



**3-309**

The following information shall be documented on the **client consent** form for all procedures.

1. Name, address, current phone number, age and signature of the client.
2. Date of the procedure.
3. The type and location of the body art.
4. Sterilization date or lot number of instruments used for the procedure.
5. Manufacturer and lot number information of pigments or inks used.
6. Identification of sterilizer(s) used to sterilize any instruments used during the procedure.
7. Documentation that information regarding risks and outcome were discussed and written information provided prior to the procedure including:
  - A. Advising the client that tattoos and permanent cosmetics should be considered permanent, that it can only be removed with a surgical laser procedure and that any effective removal may leave scarring
  - B. Explanation to the client of the healing process including the expected duration, possible side effects, abnormalities, and restrictions or limitations.
8. Verification that written and verbal aftercare instructions were provided to the client.
9. The legal name of the artist performing the body art procedure.
10. Minor Client: In the case of a minor client, the following additional information shall be recorded on the client consent form.
  - A. Name, address, current phone number and signature of parent or legal guardian giving consent for their children under 18 years old. If a client is under 18 years old and provides proof of emancipation, a copy of this record must be kept with their file.
  - B. A description or copy of documentation shown to the body artist to indicate parentage or guardianship such as an

original copy of a birth certificate, or original court order of guardianship.

- C. A copy of a state or federal photo identification of the person attesting to their status as custodial parent or legal guardian of the minor client, and their signed written consent to allow a specific body art service to be performed on the minor client.

11. Client Health. In order to assure insofar as possible the proper healing of a client following a body art procedure, the client shall be asked to disclose if he/she has any of the following:

- A. Diabetes
- B. Hemophilia
- C. Skin diseases or skin lesions
- D. Pregnant and/or breast feeding
- E. Neurological or immune compromised
- F. Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps or metals
- G. Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting
- H. Any other information that would aid the body artist in the client's body art healing process evaluation

**3-310**

**Aftercare instructions.** For each body art procedure written and verbal aftercare instructions shall be provided to the client including the following information:

1. Name, address and phone number of the establishment and the legal name of the body artist who performed the procedure.
2. Information on when the client should consult a physician to include signs of infection and allergic reaction.
3. The expected duration of healing.
4. Detailed description of how to care for the body art procedure site. Including but not limited to the following:
  - A. Proper hand washing prior to handling, cleaning and caring for the procedure site

- B. Instructions to use clean bed linens and bath towels throughout the healing period
- 5. Restriction of any physical activity, swimming, bathing, sauna use, etc.
  - A. Possible side effects from the procedure.
  - B. Name, address, and phone number of the Department.

#### **SECTION 4: FACILITY AND OPERATIONAL REQUIREMENTS**

- 4-401** All procedure areas and instrument cleaning areas shall have floors, walls and ceilings constructed of smooth, nonabsorbent and easily cleanable materials. Outer openings shall provide protection against contamination from dust and other contaminants.
- 4-402** Toilet facilities shall be provided and shall be made available to both patrons and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, nonabsorbent and easily cleanable materials.
- 4-403** The premises shall be maintained clean and in good repair.
- 4-404** At least fifty (50) foot candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas.
- 4-405** All surfaces, including, but not limited to, counters; tables; equipment; chairs; recliners; shelving and cabinets in the procedure area and instrument cleaning room shall be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.
- 4-406** Hand sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Minimum hot water temperature at hand sinks is 90 degrees F (32 degrees C). Hand sinks are required in each procedure area, may be shared by two artists and shall be located so that one artist does not potentially contaminate another artist's area. Each hand sink shall be provided with soap and disposable towels or a hand-drying device providing heated air. In addition, a hand sink shall be provided in or adjacent to each toilet room.
- 4-407** Distinct, separate areas, shall be used for cleaning equipment, wrapping/packaging equipment, and for the handling and storage of sterilized equipment.

- 4-408** Instrument cleaning sinks and utility sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Minimum hot water temperature shall be 110 degrees F (43 degrees C). Utility sinks, instrument cleaning sinks and hand sinks shall be separate and must only be used for their designated purpose. Sinks with threaded faucets shall be equipped with back flow prevention devices approved by the Department.
- 4-409** Water shall be supplied from a source approved by the Department.
- 4-410** Sewage, including liquid (non-regulated) wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.
- 4-411** Refuse, excluding infectious/regulated wastes, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.
- 4-412** All facilities shall have a waiting area that is separate from the body art procedure area, and from the instrument cleaning, sterilization and storage areas.
- 4-413** Animals shall not be allowed in the body art procedure areas, instrument cleaning, sterilization, or storage areas. Fish aquariums and/or service animals shall be allowed in waiting rooms and nonprocedural areas.
- 4-414** All chemicals shall be labeled as to its contents, properly stored, and used according to manufacturer's label instructions.
- 4-415** All body art establishments shall be completely separated from areas used for human habitation, food preparation, hair and fingernail care, or other such activities that may cause potential contamination of work surfaces. A body art establishment cannot be located in a private residence.
- 4-416** In new or extensively remodeled body art establishments, a conveniently located utility sink or curbed cleaning facility with a floor drain and hot and cold water, shall be provided and used for the cleaning of mops or similar wet floor cleaning materials, and for the disposal of mop water or similar liquid wastes.
- 4-417** In facilities that conduct branding, adequate ventilation shall provide free and unrestricted circulation of fresh air throughout the body art establishment and the expulsion of foul odors and stagnant air.

**4-418** Sharps and Infectious/Regulated Waste must be handled in a manner consistent with §25-15-401, CRS.

1. Discarded sharps shall be disposed of in approved sharps containers.
2. Infectious/Regulated waste (per OSHA CPL 02-02-0693) other than sharps shall be placed in impervious, tear resistant, plastic bags or containers, which are red in color and marked with the Universal Biological Hazard Symbol.
3. Sharps and Infectious/Regulated waste shall be disposed of by an approved, off-site treatment facility.

**SECTION 5: TEMPORARY, SPECIAL EVENT BODY ART REQUIREMENTS**

**5-501** A temporary event Certificate of Approval is required and may be issued when

1. The event coordinator has submitted a completed temporary event coordinator form for the temporary event to the health department at least 30 days prior to the proposed start date of the temporary event.
2. The event coordinator has paid all fees required by the Department.
3. Body artists are either
  - A. Affiliated with a body art establishment approved by the appropriate body art regulatory authority for their home jurisdiction; or
  - B. Sponsored by the operator of a body art establishment approved in the jurisdiction of the Pueblo Department of Public Health and Environment, provided a written sponsorship agreement is submitted to the health department with the temporary event application. The operator-sponsor will be responsible for ensuring that the body artist understands the requirements of these regulations.
4. Body artists have complied with Section 2-201 of these regulations.
5. The health department determines the temporary event facility is in compliance with Section 5 of these regulations.

**5-502** The following pertain to temporary event approvals:

1. A temporary event Certificate of Approval shall be valid for a period of not more than fourteen (14) consecutive days beginning on the first day of the temporary event.
2. A temporary event Certificate of Approval is valid for one location and is not transferable from one place to another.
3. A temporary event Certificate of Approval shall be posted in a prominent location and shall be conspicuously visible to patrons.
4. A temporary event Certificate of Approval will be issued to the coordinator after the onsite inspection has been completed and the temporary event meets all requirements of Section 5 of these regulations

**5-503** Except for the following modifications, temporary events shall comply with all provisions of these regulations:

1. When permanent hand washing stations are not readily accessible, body artists may utilize temporary hand washing stations that are capable of providing a hands-free, continuous flow of warm potable water. All water shall be from an approved source and the water supply must be of adequate volume and pressure to facilitate proper hand washing. Any temporary hand sink must be approved by the department prior to the event. Liquid soap or detergent and individual paper towels shall also be provided. Temporary hand washing stations shall be used only for hand washing and located in such a manner as to not potentially contaminate a body artist's workstation. The event coordinator must ensure that water supplies for temporary hand washing stations are replenished as needed.
2. Wastewater from temporary hand washing stations shall be collected in a sanitary container. The event coordinator is responsible for ensuring that wastewater containers are drained into an approved sanitary sewage system as frequently as needed.
3. All instruments used for a body art procedure shall be single use, and commercially sterilized.

**5-504** If at any time this event violates any part of Section 5 and is presenting significant health hazards to the public, the temporary event will be required to cease all operations.

## **SECTION 6: MOBILE UNITS**

- 6-601** Mobile units shall be approved body art establishments for temporary events only.
- 6-602** Mobile units must receive a Certificate of Approval at least annually at a location determined by the Health Department. Additional inspections may be required.
- 6-603** In order to obtain approval to operate during a temporary event, a mobile unit operator must work with the event coordinator to ensure that their mobile unit is included in the temporary event permit application.
- 6-604** Mobile units must comply with the following:
1. Section 2, 3, 4, 7, 8, 9, 10 and 11 of these regulations in their entirety
  2. Exterior doors shall be self-closing and tight fitting. Operable windows shall have tight fitting screens of at least 16 mesh per inch or greater. Inoperable windows shall be sealed shut.
  3. The water supply tank(s) shall be designed to be easily flushed and with a drain that permits complete drainage of the tank. The potable water tank shall have no common interior partition with the wastewater tank(s) or with any other tank(s) holding any other liquids. The water tank overflow or vent shall terminate in a downward direction and shall be located and constructed so as to prevent the entrance of contaminants
  4. All wastewater shall be drained to a retention tank at least 15% larger than the potable water storage capacity of the unit. Wastewater shall be delivered to the retention tank by means of one of more sinks or other approved plumbing fixtures, and a sealed drain pipe. Wastewater shall be discharged from the waste retention tank to an approved sewage disposal facility and flushed as often as necessary to maintain sanitary conditions
  5. The potable water tank inlet and wastewater tank outlet shall be permanently fitted in a manner to preclude the connection of a potable water hose to the wastewater tank drain, or a wastewater drain hose to the potable water tank inlet
  6. During operation, all doors shall be kept closed to help prevent contamination of surfaces within the unit

## **SECTION 7: INFECTION AND EXPOSURE CONTROL WRITTEN PROCEDURES**

### **7-701** Written Procedures (To be reviewed every 2 years)

1. Every mobile, temporary or permanent body art establishment shall have and comply with written procedures for infection and exposure control. All procedures for the written plan shall be in compliance with Occupational Safety and Health Administration, Centers for Disease Control and Prevention standards, and all local and state regulations.
2. These written procedures shall include, but are not limited to
  - A. Instrument cleaning and sterilization
  - B. Cleaning and disinfection of the procedure area(s), as required in Section 9-902(7)
  - C. Storage and disposal of sharps
  - D. Universal Precautions procedures
  - E. Post exposure procedures
  - F. Use of personal protective equipment
  - G. Hand washing procedures
  - H. Chemical storage and safety
  - I. Injury and illness prevention
  - J. Infectious Waste Management plan, consistent with CRS 25-15-403, including segregation, identification, packaging, storage, transport, treatment, disposal and contingency planning for blood spills or loss of containment of Infectious/Regulated Waste.

## **SECTION 8: INSTRUMENTS/STERILIZATION**

### **8-801** Instrument and Jewelry Cleaning

1. All non-disposable instruments and jewelry that penetrate body tissue, and all non disposable tubes, grips, forceps, jewelry tools, etc. that can be sterilized shall be properly cleaned prior to packaging and sterilization. All other instruments shall be cleaned and disinfected after each use
2. All unused instruments placed in the procedure area during the procedure shall be repackaged and re-sterilized



3. Used instruments shall be soaked in a disinfectant manufactured for the specific purpose of treating blood soaked instruments until cleaning can be performed. The solution shall be changed in a time as recommended by the solution manufacturer
4. Employees shall wear the following while cleaning instruments:
  - A. Heavy-duty (minimum 7.5 mil), single-use, non-latex, waterproof gloves
  - B. Face protection that covers the mouth, nose and eyes
  - C. Garment protection in the form of disposable aprons and sleeves
5. Instruments shall be disassembled for cleaning
6. All instrument components shall be cleaned of all organic material and other foreign substance manually under the surface of a water bath so as to minimize spray of any infectious materials
7. Cleaning tools shall be rinsed clean, treated with a disinfectant and stored in a manner that minimizes contamination of work surfaces
8. Once manually cleaned all instruments shall be cleaned in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed
9. Instruments shall be rinsed clean of any detergents and cleaning residue and air dried prior to packaging

## **8-802**

### Ultrasonic Cleaners

1. All ultrasonic cleaners shall be capable of heating the cleaning solution
2. All Ultrasonic cleaners shall have the capacity to adequately clean the volume of dirty instruments generated
3. The aerosolized particulates generated by the ultrasonic cleaner shall be contained by adequately covering the cleaner while in use
4. In rooms where clean instrument handling is taking place an ultrasonic cleaner shall not be in operation at the time that sterile packages are being handled
5. The operation of ultrasonic cleaners in procedure areas is prohibited

**8-803**

## Instrument and Jewelry Packaging/wrapping

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

**8-804**

## Sterilizers

1. Sterilizers shall be adequate in size and design
2. Sterilizers shall use steam and allow for an adequate drying cycle
3. The sterilizer shall be designed and classified as a class two medical device
4. The sterilizer and operators' manual shall be available on the premise and the sterilizer shall be operated according to manufacturer's recommendations
5. The sterilizer shall be cleaned and maintained according to manufacturer's specifications
6. A sterilizer load log shall be maintained for a minimum of three years at the facility and made available for inspection. The log shall contain the following documentation for each load
  - A. Description of instruments contained in the load
  - B. Date and time of sterilization load, or other unique identifier if more than one load is processed during a single day
  - C. Sterilizer cycle time and temperature
  - D. Indication of proper sterilization of instruments, as evidenced by the appropriate color indicator change on each package. Indicator used shall be compatible with the sterilization process being used

E. Description of the action taken when appropriate color indicator change did not occur

7. Sterilizer Monitoring

A. Sterilizer monitoring shall be performed at least weekly (unless more frequent monitoring is specified by the manufacturer) by using a commercial biological (spore) monitoring system

B. All biological indicators shall be analyzed by a laboratory independent from the establishment

C. Biological indicator test results shall be maintained on the premises for a minimum of three (3) years and must be available for inspection at all times

D. The department may require the operator to submit copies of the weekly sterilizer monitoring results by mail, facsimile or in person

**8-805** Instrument Storage

1. Hands shall be washed in accordance to section 9-902 (1) of these regulations and gloved with single use gloves prior to handling sterilized instrument packages

2. After sterilization, instruments shall be stored in a dry, clean area reserved for storage of sterile instruments and in a manner that limits the sterility of the packaging being compromised

**8-806** Single Use Items

1. Single use items shall be stored in a dry, clean manner

2. Single use items shall be handled in such a manner that prevents any contamination

3. Single use items shall not be used on more than one client and shall be disposed of after the procedure

4. Contaminated single use needles, razors and other sharps shall be disposed of immediately in approved sharps containers

## **SECTION 9: BODY ART PROCEDURE**

**9-901** The following are prohibited

1. Body art procedures performed anywhere for any reason, except within an approved body art establishment
2. Procedures performed on any person who is noticeably impaired by drugs or alcohol
3. Smoking, eating and drinking in the procedure and/or instrument cleaning areas
4. Procedures performed on skin surfaces that have sunburn, rash, pimples, boils, infections, moles, or manifest any evidence of unhealthy conditions
5. Body art procedures on a minor client without the express written consent from the minor's custodial parent or legal guardian as described in Section 3-309 (10)
6. Performing body art procedures without meeting the requirements of Section 2-201 of these Regulations, except that
  - A. For a period not to exceed 100 days, a body artist who is not in compliance with Sections 2-201 may conduct body art services under the direct supervision of another body artist who is fully compliant with the requirements of Section 2-201

**9-902** The following procedures shall be practiced by all body artists:

1. Thoroughly wash hands with soap and warm water for at least 20 seconds before and after serving each client. Following thorough washing, hands shall be dried using clean, disposable paper towels, or a hand-drying device providing heated air
2. Wear new, clean gloves for each procedure. If a glove is pierced or torn both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of gloves
3. Barriers, change drapes, lap cloths or aprons between each client must be non-absorbent and easily cleanable
4. Wear new, clean gloves while obtaining and assembling instruments and supplies to be used in the procedure. All sterilized instruments shall remain in the sterile packages until opened in front of the client

5. Dispense all substances used in the procedure from multi-use containers in a manner to prevent contamination of the unused portion. Single use portions shall be applied to only one client
6. Properly discard any substances and supplies immediately following the body art procedure. All leftover liquids used during the procedure shall be rendered solid prior to disposal or disposed of as regulated waste
7. Before each client, use an approved disinfectant according to the label manufactures instructions, and a single use paper towel to wipe all surfaces touched during the procedure. Surfaces include, but are not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets, and supplies

**9-903** Procedures specific to tattooing

1. The use of hectographic or single-use stencils shall be required for applying a tattoo outline to the skin, except that, when the design is drawn free hand, non-toxic single use markers or other non-toxic single use devices shall be used. Multi-use stencils are prohibited unless they can be properly disinfected between uses
2. Before placing the design on the skin, the body artist shall clean the area with soap and, if necessary, shave off any hair with a disposable, single use safety razor. The area shall be treated with an antiseptic prior to stencil application
3. Excess ink, dye, or pigment applied to the skin during tattooing shall be removed with a clean single use product
4. Needles used for tattooing shall be sterile, single use, and manufactured for tattooing purposes. All needles shall be disposed of immediately after use in a sharps container
5. After the procedure is completed, the area tattooed shall be covered with an appropriate clean bandage and held in place with suitable skin tape or wrap
6. Materials used for bandaging shall be stored and handled in a clean manner free from possible contamination

**9-904** Procedures specific to Body Piercing

1. The body area to be pierced shall be cleaned with soap, where appropriate, and treated with a medical antiseptic prior to beginning the piercing procedure. The use of medical antiseptics weather topical or oral shall comply with the manufactures recommendations

2. All body piercing needles shall be sterile, single use, and manufactured for either medical or body piercing purposes. All needles shall be disposed of immediately after use in a sharps container
3. Only new sterilized jewelry that is in good condition shall be used in new piercings. Jewelry surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds and metals, and must have a consistent mirror finish
4. In a fresh or initial piercing, or in a stretching that results in an increase greater than one gauge, or a stretching that produces visible tearing or bleeding, the jewelry used must meet one of the following standards
  - A. Steel that is ASTM F-138 compliant or ISO 5832-1 compliant
  - B. Steel that is ISO 10993-6, 10993-10, and/or 10993- 11 compliant (EEC Nickel Directive compliant)
  - C. Titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant
  - D. Titanium that is ASTM F-67 compliant
  - E. Solid 14 karat or higher nickel-free white or yellow gold
  - F. Solid nickel-free platinum alloy
  - G. Niobium (Nb)
  - H. Fused quartz glass, lead-free borosilicate or lead-free soda-lime glass
  - I. Polymers (plastics) as follows
    - i. Tygon® Medical Surgical Tubing S-50HL or S-54HL
    - ii. Polytetrafluoroethylene (PTFE) that is ASTM F754-00 compliant
    - iii. Any plastic material that is ISO 10993-6, 10993-10 and/or 10993-11 compliant and/or meets the United States Pharmacopeia (USP) Class VI material classification.
5. Current manufacturer information, including but not limited to mill specification sheets, shall be available to verify that jewelry used in section 9-904 (4) of these regulations meets those standards

6. Stud-and-clasp piercing systems shall be used according to manufacturer's instructions and shall only be used on the earlobe
7. Any experimental piercing equipment must be approved by the board of health

## **SECTION 10: COMPLIANCE**

### **10-1001 Approval to Operate**

1. It shall be unlawful for anyone to engage in the business of operating a body art establishment within Pueblo County without first obtaining a Certificate of Approval from the Pueblo Department of Public Health and Environment prior to opening. A Certificate of Approval for a new establishment will not be issued until it is determined to be in compliance with these regulations. A Certificate of Approval is valid for that calendar year only, January 1st to December 31st, and must be renewed annually. A Certificate of Approval fee will be charged and must be paid to the Health Department prior to the initial opening or before the current Certificate of Approval expires. Regardless of the date the Certificate of Approval is issued, the fee will not be prorated. Certificates of Approval are not transferable to other locations or operators
2. The current Certificate of Approval must be prominently displayed in the establishment, readily visible to customers

### **10-1002 Plan Review**

New or remodeled body art establishments must submit plans to the Pueblo Department of Public Health and Environment which must be approved, prior to construction. At a change of ownership, an existing establishment must submit plans and have them approved prior to opening. In both cases, a minimum of two weeks shall be necessary for the Health Department to review the plans. A plan review fee will be charged and must be paid before plans will be reviewed. All revisions of the approved plans and specifications shall require resubmission for approval.

Plans shall include the following

1. A facility floor plan drawn to scale
2. Equipment specification sheets including water heater information
3. A complete interior finish schedule
4. Water supply source

5. Wastewater disposal system
6. Ventilation system
7. Copies of required written procedures, logs and consent forms
8. Any other information requested by the department
  - A. Whenever the submittal of plans and specifications is required, the Health Department shall conduct a pre-opening inspection. The operator shall submit a request for a pre-opening inspection at least seven (7) days in advance of the date of an intended opening. After a pre-opening inspection has been conducted and the Health Department has determined that the establishment is in compliance with these regulations a Body Art Establishment Certificate of Approval will be issued to the establishment operator, or the remodeled portions of the establishment will be approved for use under the existing Certificate of Approval

### **11-1001 INSPECTIONS**

1. Agents of the Health Department, after proper identification, shall be permitted to enter any body art establishment during business hours for the purpose of making inspections, investigating complaints and to determine compliance with these regulations
2. A pre-opening inspection shall be completed by the Health Department to determine if a new establishment is in compliance with these regulations. Then, at least one routine inspection will be required each year. Re-inspections will be done as needed, as will complaint inspections
3. The agents shall be permitted to examine documents or true copies of documents relative to requirements of these regulations
4. Whenever an inspection of a body art establishment is made, the findings shall be recorded and shall describe violations that exist. A copy of the completed report shall be furnished to the person in charge by the end of the next workday following conclusion of the inspection
5. All body art establishments shall display, in an appropriate location readily visible to customers and visitors, the most recent inspection report issued by the Health Department



**11-1002** Penalties

1. Closure of Body Art Establishments

- A. The Board of Health or its authorized representative(s) have the power and duty in accordance with the provisions of 25-1-506(1) C.R.S., to close body art establishments to forbade gatherings of people therein and to exercise other control over body art establishments as they may find necessary to protect the public health and to eliminate sources of epidemic and communicable disease. Immediate closure will be used when the situation requires emergency action. The facility may only reopen upon the Health Departments approval
- B. In order to protect individual body art customers from an unreasonable risk of contracting dermal or sub dermal infections, the Health Department, may order a body art establishment closed for noncompliance with any of the following sections of these regulations unless the non-compliance is immediately corrected
  - i. Section 4 parts: 406, 409, 410, 413 and 418
  - ii. Section 9 in its entirety
  - iii. Section 11 in its entirety
- C. The Health Department shall initially notify the operator in writing of any violations observed in the establishment, and provide a reasonable period of time to achieve compliance. If after that period, the operator has not corrected the violations(s), the Health Department may seek suspension of body art services through a cease and desist order issued in accordance with an Administrative Hearing with the Health Department's Board of Health
- D. When an operator fails to close a body art establishment after being ordered to do so in accordance with Section 11-1002 (1) A-C of these regulations, the health Department may seek closure of the establishment through an injunction filed in the District Court

2. Civil Penalties

- A. The Health Department shall initially notify the operator in writing of any violations observed in the establishment, and provide a reasonable period of time to achieve compliance. If after that period, the operator has not corrected the violations(s), the Health Department may assess a civil penalty not to exceed two hundred fifty dollars (\$250) per violation against the establishment operator. Each day of a violation may be considered a separate offense
- B. For civil penalty assessment purposes, notification may include any previous inspection report or any other document from the Health Department, which informed the operator of the same non-compliant condition for which the civil penalty may be assessed, regardless of when notification was given and regardless of whether or not the non-compliant condition was initially corrected
- C. The Health Department may assess a civil penalty not to exceed two hundred fifty dollars (\$250) per day against an operator or body artist for conducting body art services without a body art establishment Certificate of Approval issued by the Health Department
- D. Failure to pay a civil penalty assessed by the Health Department shall constitute a separate violation which shall be subject to the assessment of one or more additional civil penalty assessments

**11-1003** Fees

- 1. Fees, as approved by the Board of Health, shall be charged for body art establishment activities. Plan review fees shall be paid in accordance with Section 10-1002 of these regulations