

Weber-Morgan Health Department

Regulation for

TATTOO AND BODY PIERCING ESTABLISHMENTS

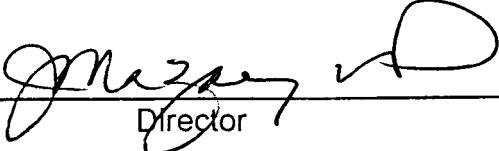
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Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

CERTIFIED OFFICIAL COPY
WEBER-MORGAN HEALTH DEPARTMENT

By  _____
Director

By  _____
Chair, Weber-Morgan Board of Health

**Regulation for
Tattoo and Body Piercing Establishments**

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1.0 Definitions.

The following definitions apply in the interpretation and application of this Regulation.

1.1 **“Body piercing”** means the creation of an opening in the body of a live human being for the purpose of inserting jewelry or other decorations. Body piercing does not, for the purpose of this regulation, include piercing the leading edge or earlobe of the ear with a sterile, disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

1.2 **“Department”** means the Weber-Morgan Health Department, Division of Environmental Health.

“Director” means the Director of the Weber-Morgan Health Department or an authorized representative.

1.4 **“Establishment”** means a Tattoo and/or Body Piercing Establishment.

1.5 **“Nuisance”** means unlawfully doing any act which either annoys, injures or endangers the comfort, repose, health or safety of any person, or that renders a person insecure in life or the use or property.

1.6 **“Operator”** means any person responsible for management or operation of a tattoo and/or body piercing establishment or any employee or person performing tattooing and/or body piercing.

1.7 **“Owner”** means any person who alone or jointly or severally with others:

(a) has legal title to any premises, tattoo and/or body piercing establishment, dwelling or dwelling unit, with or without accompanying actual possession thereof, or

(b) has charge, care, or control of any premises, tattoo and/or body piercing establishments, dwelling or dwelling unit, as legal or equitable owner, lessee, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

“Person” means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law.

“Procedure” means the act of tattooing or piercing the body.

“Tattoo” means the process by which indelible marks or decorative designs are created by introducing pigments beneath the surface of the skin through the use of needles.

“Tattoo And/Or Body Piercing Establishment” means any location, place, area, structure, or business used for the practice of tattooing, body piercing and/or the instruction of tattooing and/or body piercing.

“Work Area: means the room or area where tattooing or body piercing is performed.

2.0 Purpose.

The purpose of this regulation is the prevention of the transmission of blood-borne pathogens such as, but not limited to, human immunodeficiency virus (HIV) and hepatitis B; to regulate tattoo establishments, tattooing, skin illustrating, body piercing establishments and instruction in body piercing, tattooing, skin illustrating and permanent cosmetics, in a manner that will protect the public health, safety and welfare; to prevent the spread of disease; to prevent the creation of a nuisance within Weber and Morgan Counties; to require establishments providing tattooing, body piercing and permanent cosmetics to be registered with the Health Department and comply with certain health and safety standards; and to provide for inspections and fees.

3.0 Jurisdiction of the Department.

All tattooing, body piercing and permanent cosmetics enumerated in Section 2.0 shall be subject to the direction and control of the Department.

4.0 Powers and Duties.

The Department, through the Director and the Division of Environmental Health, shall be responsible for the administration of these regulations and any other powers vested in it by law and shall:

4.1 Require the submission of plans and specifications for tattooing, body piercing and/or permanent cosmetics establishments, as necessary to implement the provisions of these regulations;

Issue such permits and charge permit fees as necessary to implement the provisions, requirements and standards of these regulations;

Make inspections of any tattoo, body piercing and/or permanent cosmetics establishment and issue orders necessary to effect the purposes of these regulations;

- 4.4 Take samples and make analyses or tests of pigments, dyes or inks, instruments, or equipment or require the sampling, analysis or testing of the same; and
- 4.5 Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

Scope.

5. It shall be unlawful for any person to practice or perform tattooing, body piercing and/or permanent cosmetic services unless such practice conforms to these regulations.
- 5.2 It shall be unlawful for any person, owner, or operator, not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations.
- 5.3 Nothing in these regulations shall affect any physician or surgeon licensed in the State of Utah, nor do they apply to licensed hospitals or similarly licensed health care facilities.

Closing an Establishment.

- 6.1 Any tattoo, body piercing and/or permanent cosmetics establishment that fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety, or welfare may be closed by the Department;
- 6.2 Any person, employee, operator, or owner who fails to meet the requirements of these regulations, and has been found to be a threat to the public health, safety, or welfare may be prohibited from working in a tattoo, body piercing and/or permanent cosmetics establishment.
- 6.3 The Department shall give notice in writing to the owner or operator of the establishment closed;
- 6.4 No owner or operator whose tattoo, body piercing and/or permanent cosmetics establishment has been closed, shall tattoo, body pierce and/or administer permanent cosmetics to any person or instruct any person in tattooing, body piercing and/or permanent cosmetics until written approval is received from the Department.

7.0 Permits.

- 7.1 Department approval and permit required. A tattoo, body piercing and/or

permanent cosmetics establishment must obtain a valid permit from the Department before beginning operation.

Application requirements for an establishment permit.

- (a) An establishment in existence on the effective date of these regulations shall obtain a permit within 30 days after adoption of these regulations.
- (b) All other new establishments shall obtain a permit prior to beginning operation.
- (c) Permits must be renewed on an annual basis.

7.3 Permit fees.

- (a) The fee for each permit shall be based on the reasonable expenses incurred by the Department to review plans and specifications, conduct inspections, and act upon the permit application. The fee for an establishment shall be approved by the Weber-Morgan Board of Health. The initial annual permit fee is set at \$100.00 and the renewal fee at \$75.00. The permit fee may be periodically reviewed by and the amount reset by the Board of Health.
- (b) No permit fee is refundable for any reason.

7.4 Permits non-transferable. No permit shall be transferable from one establishment, owner or operator to another. An ownership change requires a new permit.

Denial, suspension, revocation or approval of permit.

Causes: Any permit issued pursuant to these regulations may be denied, suspended, or revoked by the Director for any of the following reasons:

- (a) Submission of incorrect or false information in the application, reports, plans, or specifications;
- (b) Failure to construct, operate, or maintain the establishment in accordance with these regulations, or the application, reports, plans, and specifications approved by the Department;
- (c) Operation of the establishment in a way that causes or creates a nuisance or hazard to the public health, safety, or welfare;

- (d) Violation of any rules and regulations, restrictions, or requirements adopted by the Department;

Violation of any condition upon which the permit was issued;

- (f) Failure to pay the permit fee;

Failure of the owner or operator of an establishment to permit or allow the Department to conduct inspections to determine compliance with these regulations; or

Failure to report to the department any incidence of infections and/or injuries to customers, clients or operators, caused by or associated with tattooing, body piercing and/or permanent cosmetics performed at the establishment.

8.0 Plan Review Required.

8.1 Operation of an establishment shall not be initiated before plans and specifications have been reviewed by the Department, and no significant modification shall be made in any establishment or the operation of the establishment without the approval of the Department.

8.2 Plans and specifications shall be submitted to the Department for review. The plans and specifications shall include the following:

- (a) The name and location of the establishment;
- (b) The name of the owner(s) and operator(s) and their current home addresses and telephone numbers;
- (c) The number of employees at the establishment;
- (d) The hours of operation of the establishment;
- (e) The square footage of the work area(s) and general floor plan of the establishment;
- (f) A complete description of the equipment, instruments, and materials that will be used;
- (g) A complete description of the tattooing, body piercing and/or permanent cosmetic procedures to be conducted;
- (h) A complete description of the sterilization procedures to be used;

- (i) The location and availability of toilet and hand washing facilities; and
- (j) Any other information specifically requested by the Department to ensure compliance with these regulations.

9.0 Construction and Operation Requirements.

Unless otherwise ordered or approved by the Department, each establishment shall be constructed, operated, and maintained to meet the following minimum requirements:

9.1 Physical facilities.

The room in which tattooing, body piercing and/or permanent cosmetics is done shall have an area of not less than 100 square feet of floor space. The walls, floors and ceilings shall have impervious, smooth, and easily cleanable surfaces and shall be clean and in good repair.

The establishment shall be equipped with hot and cold running water, properly installed in compliance with applicable law. Toilet facilities shall be easily accessible to the work areas at all times that the establishment is open for business. Hand washing facilities shall be located in the work area(s) and toilet facilities, and shall be supplied with hot and cold running water, soap, and sanitary towels. The use of common towels is prohibited.

- (c) All tables and chairs in the work area shall be constructed of easily cleanable material with a smooth, easy to sanitize finish. All tables and chairs shall be clean and in good repair.

The work area shall be separated from waiting customers or observers by a physical barrier of no less than three feet (0.9 meters) in height

- (e) The work area shall be lighted to provide at least 30 foot-candles of illumination. Other rooms of the tattoo establishment shall be lighted sufficiently to allow proper cleaning and sanitizing, and at least 20 foot-candles of illumination.
- (f) No owner or operator shall use an establishment for housing, shelter, or harboring, or permit the same to be used as living or sleeping quarters by employees or other persons.

9.2 Linen requirements. All linen used in an establishment, including linen used

for a supine table or knee padding, shall be clean and sanitary for each new person to be tattooed, pierced and/or receive permanent cosmetics.

9.3 Equipment and instruments.

- (a) Only single-service safety razors shall be used to shave the skin of each individual in preparation for tattooing, body piercing and/or application of permanent cosmetics. Each razor shall be discarded into a covered waste container immediately after use.
- (b) All absorbent products used for drying the skin after disinfecting or scrubbing the skin prior to tattooing, body piercing and/or application of permanent cosmetics or during application of dyes or inks shall be clean and sanitary single-service products and discarded immediately after use into a covered waste container.
- (c) All needles and instruments used for tattooing or body piercing shall be sterile. All ready-to-use needles and instruments shall be kept in a closed case or cabinet while not in use. The case or cabinet shall be easily cleanable, maintained in good repair, and shall be sanitary at all times.
- (d) Before each use, all stencils and templates to be used in tattooing or body piercing shall be disinfected by the use of an antiseptic solution approved by the Director. When not in use, the stencils shall be stored in a case or cabinet that is easily cleaned and kept in a clean and sanitary condition at all times.
- (e) All instruments, excluding plastic stencils and templates, to be used in tattooing or body piercing shall be wrapped in a manner approved by the Department and shall be sterilized by moist heat in an autoclave for at least 30 minutes at a pressure of 15 pounds per square inch at a temperature of 240 degrees F (116 C) before each use, or 15 minutes at a pressure of 20 pounds at a temperature of 250 degrees F (121 C). The owner or operator of the establishment shall not use or allow the use of needles or instruments for tattooing or body piercing on different individuals without first cleaning and sterilizing the needles and instruments in accordance with this Section. Any other method of sterilization must be approved by the Department.
- (f) The autoclave or other method of sterilization approved by the Department shall be maintained in good operating condition and shall use heat sensitive indicators every sterilization cycle and be tested at least every 90 days to verify proper sterilization. The Kilit Ampule

sterilization test or other test(s) approved by the Director shall be used. The results of the sterilization test shall be made available to the Department upon request. The autoclave or other sterilization method shall be subject to periodic and routine inspection by the Department.

- (g) The needles and instruments required to be sterilized shall be used, handled and temporarily placed during tattooing or body piercing in a way that they are not contaminated.

Pigments, dyes, and inks.

- (a) Only single-service or individual containers or pigments, dyes, or inks shall be used for each individual to be tattooed and the container shall be discarded immediately after completing work on the individual. Any pigment, dye, or ink in which a needle(s) has been dipped shall not be used on another individual.
- (b) Only sterile pigments, dyes or inks shall be used in any tattoo establishment.
- (c) The name, content and source of pigments, dyes and inks shall be kept on file at the establishment.

Operators and personnel.

- (a) Prior to operating or being employed in an establishment a person shall demonstrate to the Department that he/she has the qualifications and knowledge required for the operation of an establishment in a safe, clean and sanitary manner.
- (b) Students studying tattooing and/or body piercing shall be registered with each establishment operator under whom they study. Each student while in the establishment and while practicing tattooing and/or body piercing shall be under the direct supervision of the operator at all times and shall follow the requirements of these regulations.
- (c) It shall be the responsibility of the establishment owner or operator who has employees or students to verify that all health regulations are observed at all times by his employees and students and by others entering onto the premises of the establishment.
- (d) No person, while affected with any disease in a communicable form or while afflicted with boils, infected wounds, sores, or an acute

respiratory infection, shall work in any area where tattooing is practiced if there is a likelihood of such person contaminating tattooing equipment with pathogenic organisms or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity. If the owner or operator of the tattoo establishment has reason to believe that he or an employee has contracted any disease in a communicable form, excluding colds, or has become a carrier of such disease, the operator shall notify the Department immediately.

In addition to the requirement of Section 9.6(b), the operators shall wash their hands during working hours as often as necessary to remove soil and contamination and shall thoroughly wash their hands after using the toilet, smoking or eating.

- (f) The clothing of all persons engaged in tattooing and/or body piercing shall be maintained clean and sanitary.

The operator shall not use tobacco in any form while engaged in tattooing and/or body piercing, while sterilizing or handling equipment or instruments, or while in the work area.

The operator shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during all business hours.

- (i) The owner(s) or operator(s) of an establishment shall notify the Department in writing of any change in their name(s), address(es) or telephone number(s) or such changes of their employee(s).

9.6 Tattooing and body piercing procedures.

The operators shall wash their hands thoroughly with soap and hot water before starting a procedure. The hands shall be dried with individual, single-use towels or other method approved by the Department. A new pair of disposable examination gloves shall be used for each client.

- (b) The area to be tattooed and/or pierced shall first be thoroughly washed with an antiseptic soap. A sterile, single-use sponge shall be used to scrub the area. After shaving and before tattooing or piercing is begun a second disinfection procedure using an antiseptic solution shall be applied to the area with a single-use sponge and immediately discarded in a covered container.

- (c) Excess dye or ink shall be removed from the skin with a sterile, single-service sponge, towel or tissue paper that is used only once and then immediately discarded into a covered container. After completing work on any person, the operator shall wash the tattooed area with sterile gauze saturated with an antiseptic soap solution approved by the Department.
- (d) The tattooed area shall be allowed to dry and petroleum jelly or antibacterial ointment from a collapsible metal or plastic tube shall be applied, using sterile gauze. A sterile dressing shall then be fastened with adhesive to cover the tattooed area.
- (e) The owner or operator of an establishment shall provide each person tattooed a printed list of instructions explaining the proper care of the skin at the tattoo or piercing site for the first few days after the procedure.

9.7 Prohibited tattooing and body piercing procedures.

- (a) No tattooing or body piercing shall be done on skin surfaces that have any rash, pimple, boil, infection or manifest evidence of any other unhealthy conditions.
- (b) No local antiseptic or spray for the purpose of deadening the skin to pain shall be used without the approval of the Department.
- (c) No procedures shall be used that are accepted by state law as within the exclusive jurisdiction of physicians and other licensed medical personnel.
- (d) No styptic pencils, alum blocks, or other solid styptics shall be used to stop the flow of blood.

9.8 Records to be kept.

Permanent records of each person tattooed and/or pierced shall be maintained by the establishment owner or operator and shall be readily available for inspection by the Department.

Before tattooing and/or body piercing operation begins, the person to be tattooed and/or pierced shall personally enter on a record or form provided or approved by the Department the following information:

- 1 The date of tattooing and/or piercing;

- 2 Name, address, telephone number, and age;
3. Serial number, if a member of the armed forces;
- 4 All infectious or communicable diseases the person has had within the past year, such as, but not necessarily limited to, jaundice or hepatitis; and
5. Signature.

9.9 Infections.

Any infection or bodily injury resulting from the practice of tattooing and/or body piercing that becomes known to the establishment owner or operator shall be reported immediately by the establishment owner or operator to the Director and the person infected and/or injured shall be referred by the tattoo establishment owner or operator to a physician.

10.0 Notice.

10. Department to notify owners or others of violations. If the Director has inspected any establishment and has found and determined that the establishment is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof.

10.2 Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Director shall issue a notice pursuant to Section 10.1 and shall:

- (a) describe the property;
- (b) give a statement of the cause for its issuance;
- (c) set forth an outline of the remedial action that complies with the provisions of these regulations; and
- (d) set a reasonable time for the performance of any required remedial act.

Department to serve notice.

The Director shall serve notice upon the owner(s) of the establishment or other responsible person(s) pursuant to Sections 10.1 and 10.2 of these

rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways:

served in person;

sent by certified mail to the last known address of the owner(s) or other responsible person(s); or

published in a newspaper of general circulation.

11.0 Enforcement.

11 Department to ensure compliance. It shall be the duty of the Director upon the presentation of proper credentials, to make inspections of any property where the establishment is located or will be located as is necessary to ensure compliance with these regulations.

11.2 Inspection made with consent. Department inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.

11.3 Owners may request a factual report of inspections. Upon request, the owner(s) or other responsible person(s) of any establishment shall give a report setting forth all facts found that relate to compliance with these regulations.

12.0 Right To Appeal.

Within ten (10) calendar days after the Department has issued a notice of violation, permit denial, warning, suspension, revocation or an establishment is closed, any person(s) aggrieved, may request in writing, a hearing before the director. The hearing shall take place within ten (10) calendar days after the request is received. A written notice of the Director's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order. In addition to the above hearing any person(s) aggrieved may make an appeal to the Board of Health as specified in the Weber-Morgan Health Department Adjudicative Hearing Procedures.

13.0 Penalty.

13.1 Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123(5)(a)(i), Utah Code Annotated, 1953, as amended. If a

person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor pursuant to Section 26A-1-123(5)(a)(ii), Utah Code Annotated, 1953, as amended.

Each day such violation is committed or permitted to continue shall constitute a separate violation.

The County Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations.

In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expense incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

14.0 Severability.

If any provision, clause, sentence, or paragraph of these rules and regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations. The valid part of any clause, sentence or paragraph of these regulations, shall be given independence from the invalid provisions or application and to this end the provisions of these regulations are hereby declared to be severable.

15.0 Effective Date.

These rules and regulations shall become effective 15 days after their adoption by the Weber-Morgan Board of Health.