

CASPER-NATRONA COUNTY RULES FOR
TATTOO AND BODY PIERCING

BODY ART

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CHAPTER 1

REQUIREMENTS FOR TATTOO, BODY PIERCING, BODY ART

Section 1. Definitions.

a. The following terms used in these rules shall be defined as follows:

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

(ii) **ANTISEPTIC** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

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

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

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

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

(vii) **COSMETIC TATTOOING** see TATTOOING.

(viii) DEPARTMENT means the Casper-Natrona County Health Department, or its authorized representatives, having jurisdiction to promulgate, monitor, administer and enforce these rules.

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

(x) EAR PIERCING means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturer's instructions. Under no circumstance shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

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

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

(xiii) HOT WATER means water that attains and maintains a temperature of at least 110° F.

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

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

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

(xvii) LIQUID CHEMICAL GERMICIDE means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500ppm, ¼ cup/gal. or 2 tablespoons/quart of tap water).

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

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

(xx) PERSON means an individual, any form of business or social organization or any other non-government legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

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

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

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

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

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

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

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

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

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

(xxx) UNIVERSAL PRECAUTIONS means a set of guidelines and controls, published by the Center for Disease Control (CDC) as guidelines for prevention of transmission of Human Immunodeficiency Virus and hepatitis B virus to health-care and public-safety workers. This method of control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

(xxxi) BIOMEDICAL WASTE means liquid or semi-liquid blood or other potentially infectious materials and contaminated items that would release blood or other potentially infectious materials and are capable of releasing these materials during handling of sharps, pathological and micro-biological wastes containing blood or other potentially infectious materials.

Section 2. Body Art Operator/Technician Requirements and Professional Standards.

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

- (i) Full names and exact duties;
- (ii) Date of birth;
- (iii) Gender;
- (iv) Home address;

- (v) Home/work phone numbers;
 - (vi) Identification photos of all body art operator/technicians.
 - (vii) Establishment name;
 - (viii) Hours of operation;
 - (ix) Owner's name and address.
 - (x) A complete description of all body art procedures performed.
 - (xi) An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.
 - (xii) A copy of these rules.
- b. It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current permit to operate.
- c. The body art operator/technician must be a minimum of eighteen (18) years of age.
- d. Smoking, eating, or drinking by anyone is prohibited in the area where body art is performed.
- e. Operators/technicians shall refuse service to any person who, in the opinion of the operator/technician is under the influence of alcohol or drugs.
- f. The operator/technician shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing body art procedures. Before performing body art procedures, the operator/technician must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
- g. In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces, objects or contact with a third person. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client and hands washed prior to donning the next pair of gloves. Under no circumstances shall a single pair of medical gloves

preclude or substitute for hand washing procedures as part of a good personnel hygiene program.

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

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

j. No person shall perform any body art procedure upon a person under the age of eighteen (18) years of age without the consent and proper identification of the parent, legal custodial parent or legal guardian. Such consent shall be in the form of a notarized letter, with the name, address and phone number of the parent/legal guardian. Nothing in this section is intended to require an operator to perform any body art procedure on a person under eighteen (18) years of age with or without parental or guardian consent.

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

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

m. Proof shall be provided upon request of the Department that all operators/technicians have either completed or were offered and declined, in

writing, the hepatitis B vaccination series. This offering should be included as a pre-employment requirement.

Section 3. Exemptions.

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

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

Section 4. Public Notification Requirements.

a. Verbal and written public educational information, approved by the Department, shall be required to be given to all clients wanting to receive body art procedure(s). Verbal and written instructions, approved by the Department, for the aftercare of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection or swelling. The instruction sheet also shall contain the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all establishments shall prominently display a disclosure statement, provided by the Department, which advises the public of the risks and possible consequences of body art services. The disclosure statement and a notice for filing a complaint shall be included in the establishment application packet.

b. All infections, complications or disease resulting from any body art procedure, which becomes known to the operator, shall be reported by the operator to the Casper-Natrona County Health Department within forty-eight (48) hours. Notification to the Department shall be submitted on a written form provided by the Department.

Section 5. Client Records.

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

(i) In order for proper healing of your body art procedure, we ask that you disclose any of the following conditions:

A. Diabetes;

B. History of hemophilia (bleeding);

C. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;

D. History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;

E. History of epilepsy, seizures, fainting or narcolepsy;

F. Taking medications such as anticoagulants, which thin the blood and/or interferes with blood clotting.

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

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

Section 6. Records Retention.

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

Section 7. Preparation and Care of the Body Art Area.

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

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

Section 8. Sanitation and Sterilization Procedures.

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

b. After cleaning, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized (see 8.c.). All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six (6) months.

c. All cleaned non-disposable instruments used for body art shall be sterilized in a steam autoclave capable of generating temperatures of 240° F., at 15 pounds per square inch (psi) for 30 minutes. The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Department. Sterile equipment may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. Sterilizers shall be located away from workstations or areas frequently used by the public.

d. Each holder of a permit to operate a body art establishment shall demonstrate that the sterilizer used is capable of attaining sterilization by quarterly spore destruction tests. These tests shall be verified through an

independent laboratory. The permit shall not be issued or renewed until the Department receives documentation of the sterilizer's ability to destroy spores. These test records shall be retained by the operator for a period of three (3) years and made available to the Department upon request.

e. All needles used in tattooing/body piercing shall be single use and stored in peel-packs. Instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments. (Amended October, 13, 2004)

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

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

Section 9. Requirements For Single Use Items.

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

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

Section 10. Requirements for Premises.

a. Body art establishments applying for permit after adoption of this Rule, shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department, as part of the permit application process.

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

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

d. There shall be a minimum of eighty (80) square feet of floor space for each operator in the establishment. Each establishment shall have an area that is completely isolated from public view for clients requesting privacy. Multiple body art stations shall be separated by walls, curtains or partitions to a minimum height of seven (7) feet, or spanning from floor to ceiling, between work stations.

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

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

g. A separate, readily accessible handsink, with hot (minimum of 110° F.) and cold running water, under pressure, equipped with a mixing valve faucet assembly, supplied with liquid soap and disposable towels shall be provided within the body art establishment. One handsink shall serve no more than three (3) operators. In addition, there shall be a minimum of one handwashing sink, excluding any service sinks, and one toilet in the body art establishment.

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

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

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

Section 11. PERMIT REQUIREMENTS.

a. Establishment permit.

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

(ii) Any person operating a body art establishment shall obtain an annual permit from the Department. There shall be an annual \$50 permit fee. (Amended October 13, 2004)

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

(iv) A current body art establishment permit shall be posted in a prominent and conspicuous area where clients may readily observe it.

b. Requirements.

(i) No person shall practice body art procedures without first obtaining an operator permit from the Department.

(ii) Operator permits shall be valid from the date of issuance and shall automatically expire in 1 (one) year from the date of issuance unless revoked sooner by the Department in accordance with Sections 15 and 16.

(iii) Application for operator permits shall include:

A. Name;

B. Date of birth;

- C. Sex;
- D. Residence address;
- E. Mailing address;
- F. Phone number;
- G. Place(s) of employment as an operator;
- H. Training and or experience;
- I. Proof of biennial attendance at a bloodborne pathogen training program (or equivalent), given or approved by the Department. (Amended October 13, 2004)

(iv) Demonstration of knowledge of the following subjects:

- A. Skin diseases, disorders, and conditions (including diabetes)
- B. Infectious disease control including waste disposal, handwashing techniques, sterilization of equipment and methods of sanitization/disinfection/sterilization techniques;

C. Facility safety and sanitation knowledge of the above subjects may also be demonstrated through submission of documentation of attendance/completion of courses or successful completion of an examination approved or given by the Department with a passing grade of 70 percent, attained prior to issuance of an operator's permit. Examples of courses approved by the Department would include such courses as Preventing Disease Transmission (American Red Cross) and Bloodborne Pathogen Training (US OSHA). Training/courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted to the Department for approval.

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

(vi) All operator permits shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of this Rule.

c. Temporary establishment/operator permit.

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

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

(I) the applicant furnishes proof of compliance with sections a. and b. above relating to operator's permits and/or;

(II) the applicant is currently affiliated with a fixed location or permanent facility which is permitted by the Casper-Natrona County Health Department; or

(III) the applicant has received pre-approval by the Casper-Natrona County Health Department and a pre-operational inspection has been conducted by the Department;

(IV) the temporary site complies with Section 12, Temporary Demonstration Permit Requirements, of this Rule.

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

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

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

(E) The temporary establishment/operator license shall be posted in a prominent and conspicuous area where clients may readily see them.

Section 12. Temporary Demonstration Permit Requirements.

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

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

(i) The purpose for which the permit is requested;

(ii) The period of time during which the permit is needed (not to exceed fourteen (14) calendar days per event), without reapplication;

(iii) The fulfillment of operator requirements as specified in section 11, subsection c.

(iv) The location where the temporary demonstration permit will be used.

c. The applicant's services or operation must be contained in a completely enclosed, non-mobile facility (e.g. inside a permanent building).

d. Compliance with all of the requirements of this Rule, including but not limited to:

(i) Conveniently located handwashing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Wastewater disposal in accordance with local plumbing codes is to be provided. Tuberculocidal single use hand wipes, approved by the Department, to augment the handwashing requirements of this section must be available in each booth/cubicle;

(ii) A minimum of eighty (80) square feet of floor space;

(iii) At least one hundred (100) foot candles of light at the level where the body art procedure is being performed;

(iv) Facilities to properly sterilize instruments—evidence of spore test performed on sterilization equipment thirty (30) days or less prior to the date of the event, must be provided; or only single use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed;

(v) Ability to properly clean and sanitize the area used for body art procedures.

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

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

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

Section 13. Mobile Body Art Establishments.

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

(i) Mobile body art establishments are permitted for use only at special events, lasting fourteen (14) calendar days or less. Permits must be obtained at least fourteen (14) days prior to a permit being issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

(ii) Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or motor home. No body art procedures shall be preformed outside of the enclosed vehicle.

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

(iv) Mobile body art establishments must have approved sterilization equipment available on-site, in accordance with all requirements of the Section 8, Sanitation and Sterilization Procedures.

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

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

use hand wipes, approved by the Department, to augment the hand washing requirements of this section, must be available.

(vii) All liquid wastes shall be stored in an adequate storage tank with a capacity of at least twenty (20%) percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at an approved wastewater disposal dump station.

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

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

(x) No animals, except service animals of clients shall be allowed in the mobile body art establishment at any time.

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

(xii) All mobile body art establishment and operator permits, and the disclosure notice must be in view for client access.

Section 14. Prohibitions.

a. The following acts are prohibited:

(i) Performing body art on any body part of a person under the age of eighteen (18) without written consent of the legal custodial parent or legal guardian is prohibited. If the legal parent or legal guardian is not present with at least two forms of identification (one of which must be photographic identification), such consent must be in the form of a notarized consent form or letter.

(ii) Performing body art on a person whom, in the opinion of the operator is inebriated or appears to be under the influence of alcohol or drugs.

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

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

(v) Performing invasive body art procedures to include branding, implantations and skin braiding. (Amended October 13, 2004)

Section 15. Enforcement.

a. Establishments operating at the time of the enactment of this Rule shall be given a prescribed amount of time to make application to the Department and comply with these rules. Establishments that continue to operate without proper permits from the Department or operate in violation of these rules will be subject to suspension/revocation of license pursuant to W.S. §35-4-101.

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

c. It is unlawful for any person to interfere or refuse to obey such rules and regulation or resist or interfere with any officer or agent of the Department while in the performance of his duties and shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by the imposition of such penalty as may be provided by law. Or in the discretion of the court said person may be punished by a fine or not more than one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days, or both such fine and imprisonment.

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

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

f. If the Department has reasonable cause to suspect that a communicable disease is, or may be transmitted by an operator, use of unapproved or malfunctioning equipment, or unsanitary or unsafe conditions

which may adversely impact the health of the public, upon written notice to the owner or operator, the Department may do any or all of the following:

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

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

Section 16. Suspension or Revocation of Permits.

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

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

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

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

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

f. The Casper-Natrona County Board of Health must conduct the hearing provided for in this section at the time and place designated by the Board. Based upon the record of the hearing, the Department shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. The Department must furnish a written report of the hearing decision to the permit holder or operator.

Section 17. Interpretation and Severability.

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

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