

Casper-Natrona County Health Department

Body Art-Regulations



CASPER-NATRONA
COUNTY HEALTH DEPARTMENT

Environmental Health Division

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Chapter 1. Purpose and Authority

The general purpose of these regulations is to oversee the application of body art within the confines of Natrona County, Wyoming and to provide for the health, safety, interest and general welfare of the citizens of Natrona County.

Pursuant to the authority granted to the Casper-Natrona County Wyoming Board of Health by W.S. §§ 35-1-303 and 35-1-106, the application of body art is governed by these regulations.

The Casper-Natrona County Board of Health is authorized to require supporting documentation with applications for a license issued under these regulations. Prior to issuance of any license, on-site inspections will be conducted on the proposed premises to be utilized for a body art establishment.

Inspecting officials of the Casper-Natrona County Board of Health, including the health officer, are authorized to enter licensed, as well as unlicensed, body art establishments during regular business hours to make reasonable inspections to enforce compliance with the regulations and procedures set forth in these regulations.

Chapter 2. Definitions

The terms used in these Regulations are defined as follows:

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

ANTISEPTIC means a product that is labeled as useful in preventing diseases caused by microorganisms present on the skin and/or mucosal surfaces of humans. This includes products meant to kill germs and/or labeled as “antiseptic,” “antimicrobial,” “antibacterial,” or “germicide,” or other similar terms.

APPRENTICE means a person who is engaged in learning the occupation of a body art technician in a body art establishment and who is registered and licensed with the Health Department to practice body art procedures as a body art technician's apprentice.

APPRENTICESHIP means a specific period of guided progress through the basic, intermediate, and advanced levels of body art training.

ASEPTIC TECHNIQUE means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

AUTHORIZED AGENT means an employee of the Casper-Natrona County Health Department charged with enforcement of these Regulations.

AUTOCLAVE means a piece of equipment that is intended to sterilize products by means of pressurized steam.

AUTOMATED INSTRUMENT WASHER means a mechanical washer designed specifically for the decontamination of instruments prior to sterilization.

BARRIER means a single-use, disposable item that prevents direct contact with equipment or instrument, including, but not limited to dental bibs, plastic film, machine bags, or grip tape.

BIOCOMPATIBLE means the ability of an object to be inserted into a person without eliciting any undesirable local or systemic effects in that person.

BIOLOGICAL WASTE means liquid or semi-liquid blood; items contaminated with blood or OPIM, and which would release these substances if compressed; items that are caked with dried blood or OPIM and are capable of releasing these materials during handling; and contaminated sharps containing blood or OPIM. BLOODBORNE PATHOGEN means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

BODY ART means the practice of physical body adornment by licensed establishments and operators utilizing, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. 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.

BODY ART ESTABLISHMENT means any place or premise, whether licensed or not, public or private, temporary or permanent, outside or inside, for profit or not, where the practices of body art are performed.

BODY ART TECHNICIAN means any person performing body art services, whether licensed or not.

BODY PIERCING means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

CLIENT means an individual upon whom a body art technician performs a body art procedure.

COMMUNICABLE DISEASE means an illness that can spread from one person to another through various routes of transmission including contact with bodily fluids, contaminated surfaces, and physical contact.

COMPLAINT OF INJURY FORM means a document used to file with the Department a notice of injury as a result of a body art procedure.

CONTAMINATED means the presence or the reasonably anticipated presence of blood or OPIM on an item or surface.

COSMETIC TATTOOING see TATTOOING

CRITICAL VIOLATIONS means those items that are likely to cause an imminent health hazard to the public and/or body art technician.

CYCLE NUMBER means a unique number that corresponds to each individual autoclave cycle. This number is used as an identifier, sometimes known as a lot number. It may include the date as part of the number.

DECONTAMINATION means the use of physical and/or chemical means to remove, inactivate, or destroy pathogens on a surface. A surface/item is decontaminated when there are no infectious particles, and then the surface/item is rendered safe for handling,

use, or disposal.

DEPARTMENT means the Casper-Natrona County Health Department or its authorized agent who have jurisdiction to promulgate, monitor, administer, and enforce regulations.

DISINFECTANT means a product that is tuberculocidal and registered by the United States Environmental Protection Agency (EPA), as indicated on the label for use in disinfection.

DISINFECT means to destroy pathogenic and other kinds of microorganisms by physical and/or chemical means.

EAR PIERCING see BODY PIERCING

EAR-PIERCING GUN means a stud-and-clasp ear-piercing system.

EQUIPMENT means all machinery, containers, vessels, implements, storage areas, and sinks that are used in conjunction with the storage or application of body art, by a body art technician, or used within the sterilization/decontamination and disinfection processes.

FACILITY see BODY ART ESTABLISHMENT

FURNISHINGS means all fixtures, furniture, and other objects within a body art establishment that are not integral to the structure of the physical establishment (e.g., walls, windows, doors) and are not used in the storage of body art equipment and instruments, application of body art, or its sterilization/ decontamination and disinfection processes.

GLOVES means medical grade or exam grade, sterile or nonsterile, disposable, single-use, full-hand coverings worn for protection against disease transmission.

GUARDIAN means a person lawfully invested with the power and charged with the obligation of taking care of managing the property and rights of a person who, because of age, understanding, or self-control, is considered incapable of administering his or her own affairs pursuant to W.S. §3-1-101(v).

HAND WASHING means the act of cleaning one's hands for the purpose of removing dirt, soil, or microorganisms through the use of soap, warm water, and friction.

HAND WASHING SINK means a sink equipped to provide water at a temperature of at least

100°F (38°) through a mixing valve or combination faucet, used solely for washing hands, arms, or prosthetics.

IDENTIFICATION means a government-issued identification (ID) card with name, photo, and birthdate such as, motor vehicle driver's license, passport, or tribal identification card.

IMMINENT HEALTH HAZARD means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction.

INDICATOR means a test or device designed to validate one or more of the following critical variables of an autoclave cycle: time, temperature, and steam/pressure. The three types of indicators are chemical, biological, and mechanical.

- a) CHEMICAL INDICATOR/INTEGRATOR means a substance that undergoes a distinct observable change when conditions in its solution change while measuring the sterilization process. This could be a color change, precipitate formation, or bubble formation, in order to show a temperature change, or other measurable quality.
- b) BIOLOGICAL INDICATOR (SPORE TESTING) means a test system containing viable microorganisms (spores) providing a defined resistance to a specific sterilization process. A biological indicator provides information on whether necessary conditions were met to kill a specified number of microorganisms for a given sterilization process.
- c) MECHANICAL INDICATOR means a self-recording gauge used to verify the time, pressure and/or temperature obtained during the sterilization process.

INFORMED CONSENT AND RELEASE FORM means a form signed by a client prior to a body art procedure to confirm that they agree to the procedure and are aware of any risks that might be involved.

INITIAL PIERCING means a fresh or new body piercing.

INSPECTION means a careful examination, exploration, or evaluation of the body art establishment and the body art technician by the Department in compliance with these Regulations.

INSTRUMENTS/TOOLS/DEVICES/IMPLEMENTS USED FOR BODY ART means hand pieces, needles, needle bars, tattoo machines, forceps, and other tools that could come in contact with a client's body or could be exposed to bodily fluids during body art procedures.

INTEGRATOR/INDICATOR also referred to as Type 5 Integrator or an Integrating Indicator, means a device designed to validate all three of the following critical variables of an autoclave cycle: time, temperature, and steam under pressure.

JEWELRY means any biocompatible object that is worn through a body piercing.

LICENSE means written approval by the Department to operate a body art establishment or to perform body art. Approval is given in accordance with these Regulations and in addition to any other local, state, or federal requirements.

MAINTENANCE means repairs and upkeep of equipment as recommended by the manufacturer.

MATERIAL CERTIFICATE means all documents intended to state the specifics of a material used for body jewelry. Names for these documents include but are not limited to Mill Certificates, Material Certificates, Metal Composition Sheets, Material Safety Data Sheets (MSDS), and Material Certification Sheets.

MICROBLADING see TATTOOING

MINOR means an individual under the age of eighteen (18) years pursuant to W.S. § 3-1-101(xvi).

MOBILE BODY ART ESTABLISHMENT/UNIT means a licensed mobile establishment or unit that is self-propelled or otherwise movable from place to place and operated by a licensed body art technician who performs body art procedures.

MUCOSA see MUCOSAL SURFACE

MUCOSAL SURFACE means the moisture-secreting membrane lining of all body cavities or passages that communicate with the exterior, including but not limited to the nose, mouth, vulva, and urethra.

MUNICIPAL SOLID WASTE means common trash or garbage that does not meet the

definition of biological waste.

NONCRITICAL VIOLATIONS means those items are not likely to cause an imminent health hazard to the public and/or the practitioner.

OPERATOR means any person, whether licensed or not, who controls any interest in, operates, or manages a body art establishment and who is responsible for compliance with these Regulations, whether or not actually performing body art activities.

OTHER POTENTIALLY INFECTIOUS MATERIAL (OPIM) means:

- a) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any bodily fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
- b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
- c) HIV-containing cell or tissue cultures, organ cultures, HIV- or HBV-containing culture medium or other solutions, blood, organs, or other tissues from experimental animals infected with HIV, HVC, or HBV.

PERMANENT COSMETICS see TATTOOING

PERSON means an individual, any form of business or social organization, or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited liability companies, associations, trusts, or unincorporated organizations.

PERSONNEL mean employees, body art technicians, contracted body art technicians, and agents of the body art facility, whether or not actually performing body art activities.

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 surgery.

PROCEDURE means the act of performing body art.

PROCEDURE AREA means a room, or portion of a room, or any surface of an inanimate

object that is designated to be used only to perform body art.

PROCEDURE SITE means the area or location on the client's body selected for the placement of body art.

REGULATIONS means this document, as amended, and any supporting documents specifically incorporated herein.

REPEAT VIOLATIONS means a violation that has occurred during two consecutive inspections.

SAFETY DATA SHEET (SDS) means a document for any potentially harmful chemical that includes information such as the properties of each chemical; the physical hazards, health hazards, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. SDS is the current term for Material Safety Data Sheet (MSDS).

SCALP MICROPIGMENTATION (SMP) see TATTOOING

SHARPS means any object that can purposely or accidentally cut or penetrate the skin or mucosa, including but not limited to presterilized, single-use needles; scalpel blades; and razor blades.

SHARPS CONTAINER means a closable, puncture-resistant, leak-proof (on sides and bottom) container made specifically to be a sharps container that can be closed for handling, storage, transportation, and disposal. A sharps container must be labeled with the international biohazard symbol.

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 cotton balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups, and protective gloves.

SPORE TEST see INDICATOR – BIOLOGICAL INDICATOR

STERILIZATION means a validated process used to render a product free from viable microorganisms.

STERILIZATION AREA or STERILIZATION ROOM means a room or enclosed area, set apart and used only to clean, decontaminate, and sterilize instruments.

STERILIZATION LOG means a physical or digital recording of autoclave cycle number, as well as type of sterilizer and cycle used; the load identification number; the load contents; the exposure parameters (e.g., time and temperature); the operator's name or initials; date and time; and the results of mechanical, chemical, and biological monitoring.

STERILE means a state of being free from viable microorganisms.

TATTOO means the mark resulting from the act of tattooing.

TATTOOING means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of cosmetic tattooing performed on the face or body.

TEMPORARY BODY ART ESTABLISHMENT means any place or premise operating at a fixed location where a body art technician performs body art procedures but does not have a permanent body art facility license (i.e., educational, trade show, convention, public or private events, performance, product demonstration, or aesthetic shows).

TEMPORARY BODY ART TECHNICIAN LICENSE means a guest artist who is performing body art procedures during any 14-day period in a fixed, temporary, or mobile establishment but does not retain a permanent body art technician license in Natrona County.

TYPE 5 INDICATOR see INTEGRATOR

ULTRASONIC CLEANER or ULTRASONIC means equipment that removes debris by a process called cavitation, in which waves of acoustic energy are propagated in aqueous solutions to disrupt the bonds that hold particulate matter to surfaces.

VIOLATION means the act of violating or going against any section or subsection of these Regulations.

WORKSTATION means the area within a procedure area where a body art technician performs body art. The workstation includes but is not limited to the client chair or table,

counter, mayo stand, instrument tray, storage drawer, and practitioner's chair.

Chapter 3. Body Art Operator Requirements and Professional Standards

Section 3.01 Persons performing body art procedures or any other task or function in a body art facility must use aseptic techniques.

Section 3.02 The body art technician must be a minimum of eighteen (18) years of age.

Section 3.03 It is unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current license issued by the Department as stated in Chapter 13.

Section 3.04 The body art technician must maintain hair, skin, and clothes that are free of visible particulate matter and debris. The body art technician fingernails' must be maintained in clean, smooth condition. Size, shape, and adornment of fingernails must not compromise glove integrity.

Section 3.05 The body art technician must be free of any open wound that cannot be covered, any infection, or other visible or communicable diseases that can be transmitted as a result of carrying out the body art procedure.

Section 3.06 Wearing jewelry on fingers, hands, and wrists while performing a body art procedure is prohibited.

Section 3.07 Body art technicians must thoroughly wash their hands in a hand washing sink as specified under Section 12.05 and according to the hand washing procedure below before performing a body art procedure, at the completion of a procedure, when gloves are compromised, and to prevent cross-contamination. If a surrogate prosthetic device is being worn, manufacturer recommendations for washing shall be followed.

- (a) Remove all jewelry on fingers, hands, and wrists.
- (b) Turn on warm water, wet hands, and apply soap.
- (c) Rubbing your hands together, make a soapy lather.
- (d) Make sure you include all your fingers, wash between your fingers, thumbs, nails,

cuticles, wrists, palm to palm, and the top of your hands per Center for Disease Control's (CDC) hand washing guidelines.

- (e) Rinse your hands with your fingers pointed up toward the faucet and rinse down to your wrists.
- (f) Dry with a clean disposable towel.
- (g) Use a new clean disposable towel to turn off the handles of the sink.

Section 3.08 Gloves must be worn during preparation, procedure, and clean up following procedure pursuant to Section 8.02

Section 3.09 Any item or instrument used for body art that is anticipated/known to be contaminated, not from the client, during the procedure shall be removed as soon as practical from the procedure area and, if necessary, replaced before the procedure resumes. Any item or instrument no longer necessary for the procedure should be removed as soon as practical.

Section 3.10 Eating or drinking by anyone is prohibited in the area where body art preparations or procedures are performed and any location where instruments or supplies are stored or cleaned. Exceptions must be made for the purpose of rendering first aid.

Section 3.11 Any injury or complaint of injury, infections that required treatment by a licensed medical practitioner, or any communicable diseases resulting from the body art procedure that become known to the body art technician must be reported by the body art technician to the Department using a complaint of injury form within three business days of the body art technician becoming aware of the complaint or condition.

Section 3.12 Body art technicians shall report all adverse events relating to or suspected of being related to materials used during a body art procedure and its aftercare to the Department including the name of the body art technician, client information, description of adverse events, and a complete description of materials involved with lot and/or batch codes if required to seek medical attention. This reporting will help identify outbreaks and identify products with manufacturing defects. A record of this reporting must be maintained with the complaint of injury form in client records.

Chapter 4. Public Notification Requirements

Section 4.01 A current body art establishment license must be posted in a prominent and conspicuous area where it can be readily observed.

Section 4.02 All body art technician licenses must be posted in a prominent and conspicuous area where they can be readily observed.

Section 4.03 Written public educational information and aftercare information that has been approved by the Department must be posted in a prominent and conspicuous area where it can be readily observed by clients. The written instructions must advise the client to consult a licensed physician if deemed necessary by the client and must contain the name, address, and phone number of the establishment.

Section 4.04 The facility license holder must publicly display the name, address, and phone number of the Department and the procedure for filing a complaint.

Section 4.05 A copy of these Regulations must be made available to the public upon request.

Chapter 5. Facility Documentation Requirements

Section 5.01 A body art facility operator must establish a written plan to eliminate or minimize personnel exposure to blood or OPIM; protect clients; safely handle, store, and dispose of biological waste; disinfect and sterilize reusable tools and equipment; and reduce the risk of cross-contamination in the body art facility.

Section 5.02 A body art facility operator must keep records of the facility's operation and personnel. All records required by these Regulations must be kept in print or digital form. The requirements outlined in Section 5.03-5.08 must be kept on file on the premises of a body art facility, except as otherwise noted, and be available to the Department upon request.

Section 5.03 Facility Information

- (a) Current operator's name, address, and phone number
- (b) Facility name
- (c) Facility address
- (d) Facility phone number
- (e) Hours of operation
- (f) Local licenses
- (g) Aftercare information
- (h) Current local regulations for type of body art performed in the facility

Section 5.04 Operational Records

- (a) All operational records required by these Regulations must be kept in print or digital for three years. All records must be held on the premises for one year but may be stored off the premises afterward.
- (b) Operational records, at a minimum, shall include:
 - (i) Disinfection and sterilization instructions for instruments and surfaces
 - (ii) Record of instruments purchased pre-sterilized
 - (iii) Equipment information
 - 1) Sterilization records
 - 2) Equipment maintenance records
 - 3) Procedure for responding to a positive spore test results
 - 4) Safety Data Sheets (SDS)
 - 5) Exposure Control Plan as required in Occupational Safety and Health Administration (OSHA) 1910.1030(c)
 - 6) Jewelry documentation must be retained for three years be made available to the Department upon request, and include the following:
 - a) Receipts for jewelry purchased for initial piercings

- i) These receipts must list specifications for materials sold as designated in Section 10 (b).
- ii) Metal composition sheets for gold
- iii) Composition sheets for other materials (glass, polymer, etc.)
- iv) Material certificate from jewelry suppliers for jewelry used for initial piercings
 - a. These material certificates must be updated from the supplier for each new lot of material.
 - i. These material certificates must include the:
 1. Name of purchaser of material,
 2. Name of seller of material,
 3. Date of material sales,
 4. Type of material purchased,
 5. Composition of material purchased,
 6. Quantity of material purchased, and
 7. Country of origin

Section 5.05 Client Records

- (a) Client records required by these Regulations must be kept in print or digital format for three years and be available to the Department upon request.
 - (i) The files must be stored to prevent access from unauthorized personnel (e.g., a locked file cabinet, locked room, password-protected files). All records must be kept on the premises for one year but may be stored off the premises afterward.
- (b) Client records, at a minimum, shall include:
 - (i) Client informed consent and release form(s)
 - (ii) Risk notification
 - (iii) Any complaint of injury form

Section 5.06 Personnel Records

(a) Body art facilities shall keep all personnel records secure and confidential in the facility and be made available to the Department upon request. After one year, files for previous employees, contractors, or agents of the body art facility may be retained off-site for a minimum of three years past employment termination.

(b) Personnel records, at a minimum, shall include:

- (i) Full name
- (ii) Job title
- (iii) Exact duties
- (iv) Date of employment
- (v) Date of birth showing at least eighteen (18) years of age
- (vi) Primary residence address
- (vii) Contact phone number(s)
- (viii) E-mail address
- (ix) Copy of government-issued photo ID

Section 5.07 Personnel Training records, to include but not limited to OSHA bloodborne pathogen training and review of facility documentation, shall be maintained for three years from the date on which the training occurred.

Section 5.08 Personnel Medical Records

(a) Facility operators must maintain records for each worker with occupational exposure as required by 29 CFR 1910.1030 and the Department.

(b) Facility operators must maintain record that all personnel with potential for exposure to bloodborne pathogens have completed or were offered and declined, in writing, the Hepatitis B vaccination series at the start of employment.

- (c) All medical records must be stored in a manner that prohibits access from unauthorized personnel (e.g., locked file cabinet, locked room, password-protected files) and must not be disclosed without the person's express written consent to any person within or outside the facility except as may be required by law.
- (d) Medical records must be maintained for the length of time as dictated by 29 CFR 1910.1020.

Chapter 6. Informed Consent and Release Form

Section 6.01 In order for the body art technician to perform body art on a client, a consent and release form(s) must be completed and stored in accordance with Section 5.05 of these Regulations. This may be done with a single form or multiple forms. The consent and release form(s) must be in written and/or digital format. A physical and/or digital copy of this form(s) must be offered to the client. The release form(s) must include at a minimum the following sections:

- (a) A risk notification section that provides information detailing the risks and possible consequences of a body art procedure and must include (but is not limited to) the following statements:
 - (i) "Body art can cause swelling, bruising, discomfort, bleeding, and pain."
 - (ii) "Body art can cause allergic reactions."
 - (iii) "Body art can cause irreversible changes to the human body."
 - (iv) "Body art has a risk of infection."
- (b) A client evaluation section that asks the following questions to evaluate the client's condition for receiving body art:
 - (i) This section must include the following statement: "Consult a physician prior to the procedure if you have any concerns about any of the questions below:"
 - 1) Have you eaten within the past 4 hours?
 - 2) Are you under the influence of drugs or alcohol?

- 3) Have you ingested anticoagulants, antiplatelet drugs, or NSAIDS (aspirin, ibuprofen, etc.) in the last 24 hours?
- 4) Have you ingested any medication that can inhibit the ability to heal a skin wound?
- 5) Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?
- 6) Do you have hemophilia, epilepsy, a history of seizure, fainting, narcolepsy, or other conditions that could interfere with the body art procedure?
- 7) Do you have a history of any diseases, including skin diseases that might inhibit the healing of the body art procedure?
- 8) Do you have any communicable diseases that could be transferred to another person during the procedure?
- 9) Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that could interfere with the body art procedure?
- 10) Are you or have you been pregnant within the last 3 months?

(c) Client information:

- (i) Name as it appears on government ID,
- (ii) Signature,
- (iii) Birthdate,
- (iv) Permanent address,
- (v) Phone number,
- (vi) A copy of their state or federally issued photo ID with birthdate (i.e., driver's license, state ID, passport, immigration card, etc.), and
- (vii) Parent or guardian information if client is a minor.

Section 6.02 Each body art technician must record the following information about the body art procedures administered:

- (a) Type of body art procedure,
- (b) Location on body,
- (c) Design if applicable,
- (d) Jewelry styles and sizes if applicable,
- (e) Expiration date and batch and/or lot number of all sterilized instruments used during the body art procedure that corresponds with the sterilization log for those instruments and/or package/lot number that will be applied to or inserted under the skin,
- (f) Expiration date, brand, color, batch and/or lot number of all inks, and pigments used in the body art procedure,
- (g) Date and time of body art procedure, and
- (h) Any complications that occurred during the body art procedure.
- (i) The following information from the body art technician must be written down:
 - 1) First and last name, and
 - 2) Signature.

Section 6.03 An informed consent statement, including a signature obtained from the client, must confirm at a minimum that the client:

- (a) Is voluntarily obtaining services of their own free will and volition,
- (b) Has had the opportunity to read and understand the document,
- (c) Has the ability to ask questions about the procedure, and
- (d) Has received and understands written and verbal aftercare.

Section 6.04 Nothing in this section should be construed to require the body art technician to perform a body art procedure upon a client.

Chapter 7. Disinfection and Sterilization Procedures

Section 7.01 All surfaces used in the body art procedure must be smooth; free of nicks, cuts, and tears; easily cleanable; and nonporous. Surfaces must be cleaned and then disinfected with an EPA-registered tuberculocidal disinfectant prior to and after the body art procedure.

Section 7.02 All surfaces of equipment and furnishings that come into contact with the body art technician or any other surface that may be contaminated with blood or OPIM during a body art procedure must be covered with a protective, impermeable barrier. Barriers must be single-use and discarded after each client.

Section 7.03 All equipment used to clean and sterilize body art materials and reusable instruments must be suitable for their intended use. The equipment and devices must be used, cleaned, and maintained according to the manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the equipment must be available for inspection by the Department when available from the supplier.

Section 7.04 When participating in any disinfection or sterilization procedures, individuals must wear personal protective equipment (PPE) that will provide adequate protection to exposure, or potential exposure, to blood and OPIM.

Section 7.05 All reusable instruments are to be decontaminated and sterilized after each use in the sterilization room or sterilization area.

Section 7.06 After being cleaned, all reusable instruments used for body art must be sterilized by one of the below methods:

- (a) Contained in sterilization packaging and subsequently sterilized, with the date and cycle number noted on packaging or indicator strips.
 - (i) This information must match up with the sterilization log.
 - (ii) All sterilization packaging must have a color-changing chemical indicator.
- (b) Unwrapped and subsequently sterilized, stored, and sterilized again immediately prior to use.
- (c) Afterward, sterilized instruments must be stored in a cabinet, drawer, or tightly covered container reserved for the storage of sterilized instruments.

Section 7.07 An autoclave, ultrasonic, and sterilization room or sterilization area is not required if the body art establishment uses only presterilized disposable instruments, presterilized body art materials, and presterilized supplies.

Section 7.08 All instruments used for body art procedures must remain stored in sterile packages and marked with the cycle number until just prior to a body art procedure, OR cleanly in containers and ready for sterilization immediately prior to the procedure.

Section 7.09 Sterile instruments and body art materials must not be used if the package has been compromised.

Section 7.10 Sterile instruments and body art materials must not be used after six (6) months from sterilization without first reprocessing and re-sterilizing.

Section 7.11 Body art instruments and materials must be disposed of in an appropriate container.

Section 7.12 Each holder of a license to operate a body art establishment must demonstrate that the autoclave used is capable of attaining sterilization by monthly biological monitoring (spore testing). These tests must be verified by an independent laboratory. The license must not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Department. These test records should be retained for a minimum of three years. Records must be kept on the premises for a minimum of one year. All three years of records must be available to the Department upon request. The most recent test must be made available to the public upon request.

Section 7.13 The body art facility must follow the procedure outlined in Section 7.13 (a) through (g) for responding to a positive spore test if the mechanical (e.g., time, temperature, pressure) and chemical (internal or external) indicators suggest that the autoclave is functioning properly. A single positive spore test result probably does not indicate autoclave malfunction. The autoclave should be removed from service and sterilization operating procedures reviewed to determine if operator error could be responsible (CDC, 2016).

- (a) In the sterilization log, document procedures taken to remedy the situation.

- (b) Remove the autoclave from service and review sterilization procedures (e.g., work practices and use of mechanical and chemical indicators) to determine whether operator error could be responsible for the positive spore test.
- (c) Recall, to the extent possible, and reprocess all items processed since the last negative spore test in a separate autoclave that has negative spore test results.
- (d) Retest the autoclave by using spore tests, mechanical, and chemical indicators after correcting any identified procedural problems.
- (e) If the repeat spore test is negative, and mechanical and chemical indicators are within normal limits, put the autoclave back in service.
- (f) The following are required if the repeat spore test is positive:
 - (i) Do not use the autoclave until it has been inspected or repaired and the exact reason for the positive test has been determined. This work should be done by a factory authorized service professional, who is certified to repair and maintain the specific autoclave that is being worked on.
 - (ii) An autoclave shall pass a spore test before being put back into service after repairing or relocating.
- (g) Maintain sterilization records (i.e., sterilization cycles, maintenance, and spore tests) in accordance with these Regulations.

Chapter 8. Preparation and Care of the Procedure Site

Section 8.01 Any surface of the skin or mucosa to receive a body art procedure must be intact and free from suspected abnormalities of the skin or mucosa such as, but not limited to, suspected rash, visible infection, sunburn, or moles.

Section 8.02 Glove Usage

- (a) Prior to, during, and after a body art procedure, the body art technician must wear gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated. This includes but is not limited to:

- (i) When setting up the procedure area. This set up includes touching containers, ink bottles, barrier films, exteriors of sterile packaging, and while assembling tattoo machines and needles.
 - (ii) When prepping skin, applying stencils, or drawing designs on the skin.
 - (iii) Once the procedure is completed, cleaning, applying aftercare, or bandaging to the procedure site.
 - (iv) When tearing down and disinfecting the procedure area.
- (b) The body art technician shall wear gloves when coming into contact with the client while preparing for or performing the procedure. The gloves shall be immediately discarded and the body art technician's hands must be washed after the completion of each procedure, and/or when gloves worn for procedures are torn, punctured, or otherwise compromised, or at any other time when necessary to prevent cross-contamination.

Section 8.03 Before a body art procedure is performed, the procedure site must be prepped with an antiseptic in accordance with the manufacturer's instructions.

Section 8.04 If shaving is necessary, it must be done before skin prep, and a single-use disposable razor must be used. After use, razors must be placed immediately into a sharps container.

Section 8.05 In the event of bleeding, all products used to stop the flow of blood or to absorb blood must be a sterile, single-use item that is disposed of immediately after use in appropriate covered containers and in accordance with Chapter 11 and local ordinances governing waste handling.

Section 8.06 Any single-use items that contact the client must meet the requirements outlined in Chapter 9.

Section 8.07 Any products portioned out for the client must be discarded upon completion of the body art procedure.

Chapter 9. Requirements for Single-Use Items

Section 9.01 Single-use items must not be used on more than one client for any reason. After use, all single-use needles, razors, and other sharps must be immediately disposed of in approved sharps containers. See Chapter 11 for disposal procedures.

Section 9.02 All products applied to the skin, including body art stencils, pens, markers, and any other items that are used to mark the skin, must be single-use and disposable. Products used in the application of stencils must be dispensed and applied on the area to be tattooed with a suitable clean, single-use product and used in a manner to prevent contamination of the original container and its contents. The clean, single-use product must be used only once and then discarded.

Chapter 10. Specific Regulations for Specific Types of Body Art

Section 10.01 Specific regulations for piercing

- (a) Clarification of other piercing instruments.
 - (i) Individuals who perform piercings with ear-piercing guns; presterilized single-use, stud- and-clasp ear-piercing systems; or similar devices must adhere to these Regulations and meet the requirements of a body art technician.
 - (ii) Use of ear-piercing guns is limited to the earlobe.
 - (iii) The body art technician must wear gloves when coming into contact with sterile instruments and while performing the procedure.
- (b) Jewelry Standards
 - (i) Only jewelry made of ASTM F138, ISO 5832-1, and AISI 316L or AISI 316LVM implant-grade stainless steel, solid 14-karat through 18-karat yellow or white gold, niobium, ASTM F136 6A4V titanium, platinum, or other materials found to be equally compatible shall be placed in newly pierced skin.
 - 1) All jewelry must be sterilized prior to insertion.

- 2) Records for initial piercing jewelry must be maintained in accordance with Section 5.04.

Section 10.02 Specific regulations for tattooing/cosmetic tattooing

- (a) All inks and pigments must be specifically manufactured for performing body art procedures.
- (b) Only distilled water or sterile water may be used for the dilution of inks or pigments. Diluting with potable water is not acceptable. Such dilution must be single-use for the individual procedure. Immediately before a tattoo is applied, the quantity of the ink or pigment to be used must be transferred from the ink or pigment bottle and placed into single-use plastic cups or caps.
- (c) Upon completion of a tattoo, all single-use items and their contents must be discarded.
- (d) For individuals performing microblading or manual procedures, once the needle grouping (blade) is attached to the hand piece it cannot be removed and must be fully disposed of into a sharps container whether or not used.

Chapter 11. Waste

Section 11.01 All body art establishments must comply with the following:

- (a) Biological waste, which may release liquid blood or OPIM when compressed or handled, must be placed in an approved red biohazard bag, a “red bag”, marked with the International Biohazard Symbol.
- (b) Storage of biological waste at the generating establishment must not exceed 30 days.
 - (i) The thirty (30)-day period commences when the biological waste is placed into a red bag.
- (c) Red bags must remain sealed.
- (d) Ruptured or leaking packages of biomedical waste must be placed into larger

packaging without disturbing the original seal.

- (e) Biological waste must be disposed of according to local, state, and federal regulations.

Section 11.02 Sharps must be discarded at the point of origin into single-use sharps containers marked with the International Biohazard Symbol.

- (a) Sharps containers must be sealed when full.
- (i) A sharps container is considered full when materials placed into it reach the designated fill line or, if a fill line is not indicated, when additional materials cannot be placed into the container without cramming.

Section 11.03 Waste that does not release bodily fluids or blood when handled may be placed in a covered receptacle.

- (a) Waste containers must be within reach of each body art technician in each procedure area.
- (b) Waste containers must be lidded, rigid, non-porous, and easily cleanable.
- (c) Waste containers must have a single-use, disposable liner that is discarded when full.
- (d) Waste containers must be covered when not in use during a procedure.
- (e) Waste containers must operate with a foot pedal or hands-free control.
- (f) Contents of waste containers must be disposed of in compliance with local ordinances.

Chapter 12. Requirements for Premises

Section 12.01 As part of the license application process, body art establishments must submit a scale drawing and floor plan of the proposed establishment and any other required documentation for a plan review by the Department no later than thirty (30) days prior to anticipated opening.

Section 12.02 All body art establishments must be completely separated by solid partitions or walls extending from floor to ceiling from any food establishment or room where food is prepared, any nail or hair salon, or any other such activity that could cause potential contamination of work surfaces. Residences must also have separate entrances.

Section 12.03 Walls, floors, ceilings, and other furnishings such as lamps, countertops, drawers, and shelves must be maintained in a clean condition and good repair. Surfaces shall be free of holes, cracks, or tears, and be smooth and nonporous.

Section 12.04 All procedure areas and workstation surfaces used in the performance of body art, including flooring, walls, and all furniture, must be of construction that is easily cleaned and disinfected after each client.

Section 12.05 No reusable barriers may be employed for body art procedures.

Section 12.06 The body art procedure area must be equipped with a separate, readily accessible hand washing sink that is supplied with soap and disposable paper towels in dispensers.

Section 12.07 If reusable instruments are used in a body art establishment, a separate sterilization room is required. The sterilization room must meet the following requirements:

- (a) The sterilization room must be enclosed and not open to the public.
- (b) The sterilization room must only be used for cleaning, disinfecting, sterilizing, storage, and related tasks.
- (c) A sink must be used only for cleaning contaminated instruments. This sink shall not be used for hand washing.
- (d) A covered ultrasonic cleaner and/or instrument washer must be included. Cover must be non-porous and prevent contamination of other surfaces, including autoclave, in sterilization area.
- (e) If any items are stored in the room, cabinets or drawers must be made of smooth, nonporous wipeable materials.

- (f) No other services including but not limited to tattooing, piercing, or retail sales may occur within the sterilization room.
- (g) Autoclaves and sterilized instruments must be protected from contamination by other equipment in the sterilization area by distance or non-porous barrier.

Section 12.08 Water supply and wastewater disposal methods must meet all local and/or state regulations.

Section 12.09 All new body art facilities must have access to a mop/utility sink.

Section 12.10 There must be a minimum of one restroom with a hand washing sink accessible to patrons. This sink must not be used for any other purposes.

Section 12.11 The body art procedure area must be equipped with at least one hand washing sink for every three body art technicians.

- (a) Body art technicians are to have unobstructed access (e.g., no doors) to a hand washing sink, such that the body art technicians can go to and from their workstations without having to touch anything with their hands.
- (b) The hand washing sink must provide potable water, under pressure, at a temperature of at least 100°F (38° C) through a mixing valve or combination faucet used solely for washing hands, arms, or prosthetics.
- (c) The hand washing sink must be equipped with liquid soap.
- (d) The establishment must supply paper towels in dispensers.

Section 12.12 There must be a minimum of eighty (80) square feet of floor space for each procedure area in the establishment.

Section 12.13 Ultrasonic cleaners, used for cleaning instruments or other contaminated items, are not allowed in the workstation. Ultrasonic cleaners used only for cleaning non-contaminated jewelry or other non-contaminated items are allowed in the workstation.

Section 12.14 A lined waste receptacle must be provided in every procedure area and restroom and comply with Chapter 11.

Section 12.15 The establishment must offer an area secluded from public view for clients

requesting privacy.

Section 12.16 The establishment must have and maintain mechanical ventilation that is in compliance with current local and state building Regulations, if applicable. The establishment must have an artificial light source equivalent to at least 20 lumens per square foot, three feet off the floor. Where the body art procedure is being performed and where instruments and sharps are assembled, there must be an artificial light source equivalent to at least 100 lumens per square foot.

Section 12.17 No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations. All service animals in compliance with ADA are allowed in procedure areas. Fish aquariums are only allowed in waiting rooms. Fish aquariums must contain only aquatic species that can survive underwater for a minimum of forty-eight (48) hours.

Section 12.18 The facility must be free of pests, including insects, rodents, and vermin.

Section 12.19 All non-contaminated instruments must be stored in a dry, closed cabinet, drawer, or tightly covered container suitable for protecting the contents from moisture and dust and reserved for the storage of such instruments.

Section 12.20 Smoking and vaping are prohibited in all indoor areas.

Chapter 13. License Requirements

Section 13.01 Establishments and body artists, who are not already licensed and operating at the time of the enactment of these Regulations must be given six months to apply with the Department and comply with these Regulations. Establishments that continue to operate without proper licenses from the Department or operate in violation of these Regulations will be subject to legal remedial actions and sanctions as provided by law.

Section 13.02 Operators and body art technicians must be renewed annually within 30 days from the expiration date or a new license must be obtained.

- (a) Licenses will expire annually on June 30th.

Section 13.03 Fixed Body Art Establishment License

- (a) No person, firm, partnership, joint venture, association, business trust, corporation, or organized group of persons may operate a body art establishment except with a body art establishment license issued annually from the Department.
- (b) The applicant must pay a fee set by the Department for each body art establishment license.
- (c) A license for a body art establishment and technicians is not be transferable from one place or person to another.
- (d) It is the responsibility of the facility owner to ensure that all employees, contractors, and agents of the facility understand and adhere to these Regulations.
- (e) Any business using an ear-piercing gun or similar instrument must be licensed by the Department and must meet the same requirements as a body piercing facility.
- (f) Fixed body art establishment licenses must be posted in a prominent and conspicuous area where they can be easily seen.
- (g) License holders are responsible for ensuring that all other local agency regulations are complied with, including but not limited to, zoning and business license requirements.

Section 13.04 Body Art Technician License

- (a) No person may practice body art procedures without first obtaining a body art technician license from the Department. The Department sets a fee and procedure for obtaining such licenses. All body art procedures shall be performed within a licensed body art facility.
- (b) The body art technician license expires annually on June 30th.
- (c) Application for a body art technician license must include:
 - (i) Name,
 - (ii) Date of birth,
 - (iii) Photocopy of identification,

- (iv) Address of residence,
- (v) Mailing address,
- (vi) Phone number,
- (vii) Email,
- (viii) Place of employment as a body art technician,
- (ix) Current successful completion of an OSHA-compliant bloodborne pathogen training program (or equivalent) given or approved by the Department, and
- (x) Proof of Hepatitis B vaccine or declination form.
- (xi) Proof of one of the following:
 - 1) Completion of an apprenticeship
 - a) Documentation of completion must be submitted in writing by the mentor to the Department OR
 - 2) Apprenticeship agreement with a fully licensed body art technician mentor
 - a) Apprenticeship license must be obtained before art technicians may work on clients OR
 - 3) Licensure from another state or country to be approved by the Department OR
 - 4) Completion of a valid body art training program.
 - a) Validity of a body art training program is to be determined by the Department.
 - 5) Body art technicians performing more than one type of body art procedure (tattooing, piercing, permanent cosmetics) must provide proof of the above for EACH type of procedure.
- (d) The body art technician must demonstrate knowledge of these Regulations and its intent through the completion of an examination given or approved by the Department with a passing grade of 70% or higher, obtained prior to issuance of the license.
- (e) No body art technician license must be issued unless the body art technician has

demonstrated compliance with the provisions of this section and all other provisions of these Regulations.

- (f) Any body art technician using an ear-piercing gun or similar instrument must be licensed by the Department and must meet the same requirements as a body art technician.
- (g) Body art technician licenses must be posted in a prominent and conspicuous area where they can be easily seen.

Section 13.05 Temporary Body Art Establishment License

- (a) Unless specified elsewhere in these requirements, temporary establishments must meet the same requirements as body art establishments at fixed locations.
- (b) Temporary body art establishment licenses may be issued for body art services provided outside the physical site of a licensed facility for the purposes of education, trade shows, conventions, public or private events, performances, product demonstrations, or aesthetic shows.
- (c) Temporary body art establishment licenses must be applied for at least fourteen (14) days prior to the event. No body art procedures are allowed to be performed before a license is issued.
- (i) Temporary body art establishment licenses will not be issued unless:
 - 1) The applicant is currently affiliated with a body art establishment that, where applicable, is licensed by the Department, and
 - a) The temporary site complies with Section 13.03.
 - 2) Temporary body art establishment licenses expire after fourteen (14) days or the conclusion of the special event, whichever is sooner.
 - 3) A temporary body art establishment license will not be issued unless the applicant has paid a fee as set by the Department.
 - 4) A temporary body art establishment license may not be transferable from one place or person to another.

- 5) The temporary body art establishment license must be posted in a prominent and conspicuous area where it can be easily seen.
 - 6) While working under a temporary art establishment license, all body art technician licenses, and temporary body art technician licenses must be posted in a prominent and conspicuous area where the licenses can be easily seen.
 - 7) The facility license holder must publicly display the name, address, and phone number of the Department that has jurisdiction over the facility, as well as the procedure for filing a complaint.
- (d) Compliance with all the requirements of these Regulations includes, but is not limited to, the following:
- (i) Facilities must properly sterilize instruments and provide evidence of a spore test performed on sterilization equipment no later than thirty (30) days prior to the date of the event; otherwise, only single-use, prepackaged, sterilized instruments marked with an expiration date, lot number, and method of sterilization can be used.
 - (ii) All temporary body art establishments must have the ability to clean and disinfect the body art procedure areas.
 - (iii) Body art technicians must have a body art technician license or a temporary body art technician license.
 - (iv) There must be at least eighty (80) square feet of floor space for each body art technician.
 - (v) Provide at least one hand sink with running water for every five body art technicians.
 - (vi) Temporary establishments must supply a municipal solid waste receptacle, red bag, and a sharps container within the procedure area, as close as feasible to where the sharps will be used.
 - (vii) Water supply and wastewater disposal methods must meet all local and/or state regulations.
 - (viii) Restroom facilities must be available on site for public use.

- (ix) No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations.
- (e) The facility where the temporary body art facility license is needed must be inspected by the Department and a license issued prior to the performance of any body art procedures.
- (f) Temporary body art facility licenses issued under the provisions of these Regulations may be suspended by the Department for failure of the holder to comply with the requirements of these Regulations.

Section 13.06 Temporary Body Art Technician License

- (a) A temporary license for performing body art procedures must be issued by the Department for educational, trade show, convention, public or private events, performance, or product demonstration purposes. The license expires fourteen (14) days after issuance.
- (b) Temporary body art technician licenses must be issued by the Department for body art services provided outside of the physical site of a licensed body art facility for educational, trade show, convention, public or private events, performance, or product demonstration purposes. The license expires fourteen (14) days after issuance.
- (i) This license need not be obtained if the body art technician is already licensed by the Department within the licensing jurisdiction.
- (ii) Temporary body art technician licenses will not be issued unless the applicant:
 - 1) Provides proof of compliance with Section 13.04 relating to body art technician licenses or demonstration of knowledge of these Regulations and its intent through completion of an examination given or approved by the Department with a passing grade of 70% or higher, obtained prior to issuance of the license.
 - 2) Is currently affiliated with a body art establishment,
 - 3) Has paid a fee as set by the Department.

- (iii) A temporary body art technician license may not be transferable from one person to another.
- (iv) Each temporary body art technician license must be posted in a prominent and conspicuous area where it may be readily seen.

Section 13.07 Mobile Body Art Establishments

- (a) In addition to complying with all the requirements of these Regulations, mobile body art vehicles and operators working from a mobile body art establishment must comply with all the following requirements:
 - (i) Mobile body art establishments are licensed for use only at special events lasting fourteen (14) days or less. Mobile body art licenses must be applied for at least fourteen (14) days prior to the event. No body art procedures are allowed to be performed before a license is issued.
 - (ii) License holders are responsible for ensuring that all other local agency regulations are complied with, including but not limited to zoning and business license requirements.
 - (iii) Body art performed pursuant to this section must be done only from an enclosed vehicle such as a trailer, mobile home, or mobile vehicle. No body art procedures may be performed outside of the enclosed vehicle.
 - (iv) The mobile body art establishment must be maintained in a clean and sanitary condition at all times. Doors must be self-closing and tight fitting. Openable windows must have tight-fitting screens.
 - (v) If the mobile body art does not exclusively use single-use disposable equipment and supplies, then it must have approved sterilization equipment available in accordance with all requirements of Chapter 7.
 - (vi) The mobile body art establishment must be used only for the purpose of performing body art procedures. No habitation or food preparation is licensed inside the vehicle.
 - (vii) The mobile body art establishment must be equipped with a hand washing sink that provides water at a temperature of at least 100°F (38° C) through a mixing valve or

combination faucet used solely for washing hands, arms, or prosthetics with liquid soap dispensed from a non-reusable container. The establishment must supply paper towels in dispensers. An adequate supply of potable water must be maintained for the mobile body art establishment at all times during operation. An instrument wash sink is not required if soiled reusable instruments are transported in a suitable covered container to a licensed facility for cleaning. Reusable instruments that are cleaned and sterilized in the mobile facility must meet the requirements of Section 7.05.

- (viii) All liquid wastes must be stored in an adequate storage tank with a capacity at least 15% greater than the capacity of the onboard potable water supply. Liquid wastes must be disposed of at a site approved by the Department.
- (ix) Restroom facilities must be available on site for public use.
 - (b) All body art technicians working in a mobile body art establishment must have a body art technician license or temporary body art technician license and comply with the body art technician requirements of these Regulations.
 - (c) No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations.
 - (d) Mobile body art establishments must receive an initial inspection at a location specified by the Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.
 - (e) All mobile body art establishment licenses and body art technician licenses must be posted in a prominent and conspicuous area where it can be readily observed.
 - (f) The establishment license holder must publicly display the name, address, and phone number of the Department that has jurisdiction over the facility, as well as the procedure for filing a complaint.

Chapter 14. Prohibitions

Section 14.01 Pursuant to Wyoming Statute § 14-3-107, performing a body art procedure is prohibited on any minor without the written consent of that person's parent or legal guardian. That consent must be given on a notarized consent form or letter. In addition, the parent or legal guardian must present identification to the body art technician and the body art technician must retain a copy of the identification for their records. The parent or legal guardian must be present in the procedure area at the time of the procedure.

- (a) Body art technicians are not allowed to perform genital or nipple piercings on individuals under eighteen (18) years of age, even with parental consent.

Section 14.02 Videotaping, photographing, or other recording, to include but not limited to live social media streaming, of body art, whether during or after the procedure, is prohibited without the client's consent. If the client is a minor, consent from the parent or legal guardian is also required.

Section 14.03 It is prohibited to perform body art on a person who, at the discretion of the body art technician, is visibly impaired.

Section 14.04 It is prohibited to perform body art while under the influence of alcohol or drugs.

Section 14.05 It is prohibited to operate as a body art establishment or body art technician without first obtaining all necessary licenses and approvals from the Department.

Section 14.06 It is prohibited to obtain or attempt to obtain any body art establishment or body art technician license by means of fraud, misrepresentation, or concealment.

Chapter 15. Enforcement

Section 15.01 It is unlawful for any person to interfere or refuse to obey such Regulations or resist or interfere with any officer or authorized agent of the Department while in the performance of their duties and will be deemed guilty of a misdemeanor and if convicted thereof, will be punished by the imposition of such a penalty as may be provided by law. Or at the discretion of the Court said person may be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment not exceeding thirty (30) days, or both such

fine and imprisonment W.S. § 35-4-101.

Section 15.02 A copy of the inspection report must be furnished to the license holder or operator of the body art establishment, with the Department retaining possession of the original.

Section 15.03 If, after investigation, the Department should find that a licensee or operator is in violation of the Regulations, the Department may, alternatively advise the licensee 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.

Section 15.04 If the Department has reasonable cause to suspect that a communicable disease was or may be transmitted by an operator, there is unapproved or malfunctioning equipment, or there are unsanitary or unsafe conditions which may adversely impact the health of the public, upon written notice to the operator, the Department may do any or all of the following:

- (a) Issue an order excluding any or all operators from the licensed 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; and/or
- (b) Issue an order to immediately suspend the license of the licensed establishment until the Department determines there is no further risk to public health. The order must state the cause for action.

Chapter 16. Inspection

Section 16.01 Department personnel must inspect each body art facility to ensure compliance with these Regulations prior to issuing a license to a body art facility, and then at intervals deemed necessary by the Department. Department personnel must be granted access to the premises of a body art facility during normal hours of operation or by appointment, including access to client and personnel records.

- (a) The Department must be allowed entry at will when the facility is occupied, whether

for a routine inspection or not, including the need to investigate complaints or compliance.

Section 16.02 Body art establishment inspections must be conducted no less than once a year and as often as necessary throughout the year to ensure compliance with these Regulations and to ensure the health and safety of the general public.

Section 16.03 Authorized agents of the Department must properly identify themselves upon entering a body art establishment to make an inspection.

Section 16.04 It is a violation of these Regulations for the operator in a body art facility to knowingly do any of the following:

- (a) Conceal, withhold, or falsify records or evidence;
- (b) Interfere with the performance of the duties of the Department;
- (c) Make a false statement, representation, certification, record, report, or otherwise falsify information required to be submitted or maintained pursuant to these Regulations.

Section 16.05 A digital or written copy of the inspection report must be furnished to the license holder or operator of the body art establishment. The Department retains possession of the original.

Section 16.06 If the Department should find that an operator is in violation of these Regulations, the Department must advise the operator in writing of its findings and instruct the operator to take specific steps to correct such violations. Violations that pose an imminent public health threat need to be corrected before operation may resume.

Section 16.07 If at any time the Department has reasonable cause to suspect that public health might be at risk, it can place limitations on the license of a body art facility or body art technician. The Department must notify the establishment license holder and the body art technician license holder. Limitations can include the imposition of restrictions or conditions, or both, on the operations of that body art facility. A body art facility must comply with all license limitations until the Department has conducted an inspection, has determined that the license limitations are no longer necessary, and has issued an order

allowing the body art facility to resume operations without the license limitations.

Chapter 17. Suspension

Section 17.01 Licenses issued under the provisions of the Regulations can be suspended temporarily by the Department for failure of the holder to comply with the requirements of these Regulations.

Section 17.02 Whenever a license holder or operator has failed to comply with any notice issued under the provisions of these Regulations, the operator must be notified in writing that the license is, upon service of this notice, immediately suspended. The notice must also contain a statement informing the license 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.

Section 17.03 Any person whose license has been suspended can file an application for reinstatement of the license within ten (10) business days of notice of suspension by:

- (a) Submitting a signed statement that the conditions causing the suspension have been corrected;
- (b) Providing proof that the conditions have been corrected, including but not limited to photos, receipts, and written documentation; and
- (c) Submitting the appropriate reinspection fees, after which the Department must reinspect the body art establishment and evaluate documentation provided by an operator. If the applicant is in compliance with the provisions of these Regulations, the license will be reinstated.

Chapter 18. Revocation

Section 18.01 For repeated violations or repeated critical violations of any of the requirements of these Regulations or for interference with Department personnel in the performance of their duties, a license can be permanently revoked after a hearing.

(a) A license may be suspended for cause pending its revocation or hearing.

Section 18.02 Before taking such action, the Department must notify the body art technician or operator in person and hand-deliver a notice in writing stating the reasons why the license is subject to revocation and advising the body art technician or operator of the requirements for filing a request for a hearing.

Section 18.03 The Department can permanently revoke a license after five (5) business days following service of the notice unless a request for a hearing is filed by the operator or body art technician to the Department.

Section 18.04 The Casper Natrona County Board of Health must conduct the hearings provided in this section at the time and place designated by the Board.

(a) Based upon the record of the hearing, the Department must make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing.

(b) The Department must furnish a written report of the hearing decision to the operator.

Section 18.05 Once a body art license has been revoked, the body art technician and/or establishment will be considered to be operating without a license.

Chapter 19. Interpretation and Severability

Section 19.01 In the interpretation of these Regulations, the singular may be read as the plural, the masculine gender as the feminine or neutral, and the present tense as the past or future where the context so dictates.

Section 19.02 In the event any particular clause or section of these Regulations should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions remain in full force and effect. Toward that end, the provisions of these Regulations are declared to be severable.