

Summary of the Safe Body Art Act

Intent of the Safe Body Art Act

The Safe Body Art Act is a chapter of the California Health and Safety Code that is intended to protect both the practitioner and the client from the transmission of infectious diseases through minimum statewide standards for persons who perform tattooing, body piercing, branding, and the application of permanent cosmetics (body art practitioners).

Registration of Body Art Practitioners

All persons who perform body art are required to register with the local enforcement agency. To register in Los Angeles County you must submit a Body Art Practitioner Annual Registration Form along with the following:

- Valid government issued photo identification indicating practitioner is 18 years of age or older (i.e. Drivers License or State Identification Card).
- All first-time registrants must provide a 2" x 2" passport type photo.
- Proof of completion of a County-approved Blood Borne Pathogens Exposure Control Training.
- Certificate of Hepatitis B vaccination, evidence of immunity, physician statement of contraindication for medical reasons, or a vaccination declination statement.

Body Art Facility Requirements to Obtain A Public Health Permit

Upon verification that a body art facility meets all of the following requirements a Public Health Permit will be issued.

General Requirements:

- Possesses a current Infection Prevention and Control Plan (see sidebar)
- Facility is clean, free of insects and rodents, and has walls, floors and ceilings that are smooth, washable and free of holes
- All practitioners are registered with certificates posted
- A contract for removal of all sharps waste
- Waste containers with liners in procedure area and decontamination area
- Properly labeled sharps containers that are within arm's reach of the practitioners in the procedure and decontamination areas

Procedure Areas:

- Equipped with adequate lighting
- Equipped with a hand washing sink with hot (110°F) and cold running water, liquid soap, and single-use towels in a touchless dispenser

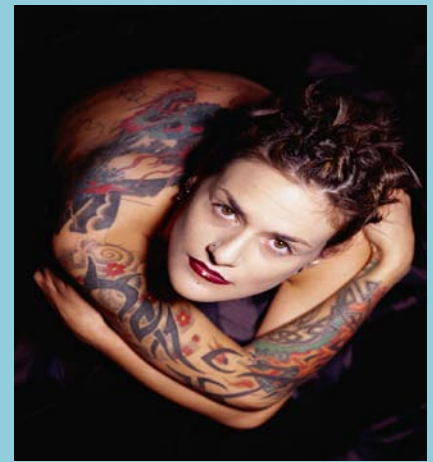
Decontamination Areas:

(Not required if only disposable, single-use, pre-sterilized instruments are used)

- Separated from procedure areas by at least 5 feet or a by a cleanable barrier
- Equipped with a sink with hot and cold running water for cleaning and disinfecting equipment
- Only equipment manufactured for sterilization of medical instruments may be used
- Upon initial installation, after repair, and at least monthly the sterilization unit must be tested using a commercial biological indicator monitoring system

Age Restrictions on Clients

Clients must be at least 18 years of age to receive a tattoo, permanent cosmetics, piercing of the nipples or genitals or a brand regardless of parental consent. Persons under the age of 18 may receive a body piercing, other than the nipples or genitals, if performed in the presence of their parent or guardian.



Definition of Body Art

Body art includes tattooing, permanent cosmetics, branding, and body piercing, except piercing of the ear with a mechanical device using a disposable, single-use, pre-sterilized stud and clasp or solid needle (with one exception).

Plan Check Requirements

Body Art Facilities constructed after July 1, 2012, must receive approval prior to operating. Operators must submit for approval construction plans and a copy of their Infection Prevention and Control Plan and the required fee.

After construction, the operator must request an inspection of the facility to determine that the construction and operating methods meet the approved plans.

Registrations From Outside Los Angeles County

Body art practitioners who are currently registered with another California enforcement agency may operate as a guest artist in an LA County body art facility or temporary body art event for up to 5 consecutive days and no more than 15 days total each year without registering with the County of LA.

Summary of the Safe Body Art Act cont.

Clients Must Provide “Informed Consent”

To provide informed consent clients must read and sign an informed consent form that includes a description of the procedure; a description of what to expect after the procedure; a statement regarding the permanent nature of body art; notice that tattoo inks, dyes, and pigments have not been approved by the Federal Food and Drug Administration and the health consequences of using these products are unknown.

The informed consent form should also include a client health questionnaire to determine if the client is pregnant; has a history of herpes infection at the procedure site, diabetes, allergic reactions to latex or antibiotics, hemophilia or other bleeding disorder, or cardiac valve disease; has a history of medication use, including prescribed antibiotics prior to dental or surgical procedures; or has other risk factors for blood borne pathogen exposure. Provide postprocedure instructions.

Requirements for Safe Performance of Body Art

- Wash and dry hands before beginning a procedure
- Put on a clean apron, bib, or lap pad and personal protective equipment appropriate to the task
- Put on clean, unused, disposable exam gloves just prior to the procedure and wear the gloves throughout the procedure. Wash hands and change gloves if contact occurs with surfaces other than the client’s skin or instruments used in the procedure or if glove is punctured or torn
- Apply antiseptic, antimicrobial, or microbicide to the client’s skin immediately prior to the procedure
- Use a single-use razor to shave client and dispose of the razor in the sharps container
- Only single-use needles and needle bars may be used and must be disposed of in the “Sharps” container
- Any part of a tattooing machine that may be touched by a practitioner during the procedure shall be covered with a disposable plastic sheath that is discarded upon completion of the procedure
- Instruments other than needles and needle bars that contact skin must be either single use or be washed, disinfected, packaged, and sterilized after each procedure
- Jewelry inserted in newly pierced skin must be made of approved materials
- Only commercially manufactured inks, dyes, and pigments may be used and must be dispensed in a manner to prevent contamination of the storage container and remaining contents
- After the procedure, wash and disinfect instruments and decontaminate the workstation and procedure area
- No food, drink, tobacco product, or personal effects are permitted in the procedure area
- Animals, except service animals as defined by the ADA, are not permitted in the procedure area or decontamination- sterilization area.

Decontamination and Sterilization Requirements

- Each instrument peel-packs must have an appropriate indicator
- Each sterilization load shall be monitored with a Class V integrator
- Sterilization units are to be loaded, operated, decontaminated, and maintained according to manufacturer specifications
- A written log of each sterilization cycle including date, contents, exposure time and temperature and the results of the Class V integrator must be retained onsite for two years.
- Sterilization packs must be inspected prior to storage and again prior to use.

An Infection Prevention and Control Plan:

- Specifies the procedures to achieve compliance with the Safe Body Art Act
- Must be revised when changes are made in infection prevention practices, procedures, or tasks
- Must include staff training upon initial assignment of task, whenever procedures change and not less than once per year
- Include records of training on the plan for the last three years

An Infection Prevention and Control Plan must include the following procedures:

- Decontaminating and disinfecting surfaces
- Decontaminating, packaging, and sterilizing reusable instruments
- Protecting clean equipment and sterile instruments
- Set up and tear down for any form of body art performed at the facility
- Safe handling and disposal of sharps waste
- Preventing contamination of instruments or procedure site during the performance of body art

ENFORCEMENT

Registrations and Permits may be suspended for imminent health hazards. Registrations and Permits may be suspended or revoked for serious or repeated violations after a hearing.

Operating without a permit or registration is a misdemeanor and is also subject to a penalty of three times the cost of the license or registration.

Violations of the act are subject to an administrative penalty of \$25-\$1,000.