

RULES AND REGULATIONS GOVERNING BODY ART

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Northeast Colorado Health Department
700 Columbine Street
Sterling, CO 80751



Serving: Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties

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RULES AND REGULATIONS FOR BODY ART ESTABLISHMENTS

SECTION 1: PURPOSE, AUTHORITY, AND DEFINITIONS

1-101 Purpose. The purpose of these Regulations is to establish the safe and sanitary practice of body art, the safe and sanitary physical environment where body art is performed, and the safe and sanitary conditions of equipment utilized in body art.

1-102 Authority. C.R.S. § 25-4-2101, *et seq.* (the "Body Art Act"), sets forth a regulatory structure for the practice of body art. Pursuant to the authority granted in the Body Art Act, the State Board of Health of the Colorado Department of Public Health and Environment ("CDPHE") has adopted Rules and Regulations for Body Art Establishments, 6 CCR 1010-22, which establish the standards for body art establishments and the practice of body art. Pursuant to the Body Art Act, as well as C.R.S. § 25-1-506, C.R.S. § 25-1-508, and C.R.S. § 25-1-509, the Board of Health of the Northeast Colorado Health Department (the "NCHD") is authorized to adopt rules and regulations for body art establishments and the practice of body art.

1-103 Definitions.

- (a) **AFTERCARE INSTRUCTIONS** means written instructions given to the client, specific to the body art procedure(s) provided. These instructions shall include information regarding when to seek medical treatment, if necessary.
- (b) **ANTISEPTIC** means a substance that inhibits growth of bacteria and other microorganisms when applied to the skin (*e.g.*, chlorhexidine gluconate, alcohol and iodophor).
- (c) **BODY ART** means the practice of physical body adornment by establishments or artists utilizing, without limitation, the techniques of body piercing, tattooing, branding, sculpting, and scarification. This definition does not include practices conducted under the supervision of a physician licensed to practice medicine under Colorado law or piercing of the outer perimeter or lobe of the ear by means of sterilized stud-and-clasp ear piercing systems.
- (d) **BODY ART ESTABLISHMENT** means any location, whether temporary, permanent or mobile, where body art is performed.
- (e) **BODY ARTIST** means any person who performs body art.
- (f) **BRANDING** means a procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.
- (g) **COMMERCIALLY STERILIZED INSTRUMENTS** means those that are pre-sterilized by the manufacturer. Packaging shall bear a legible sterilization lot number, indicator change and expiration date.

- (h) CONTAMINATED means the presence or reasonably anticipated presence of blood, infectious materials or other types of impure materials that have corrupted a surface or item through contact.
- (i) CONTAMINATION means to make unfit for use by the introduction or potential introduction of blood, infectious materials or other types of impure materials.
- (j) DISINFECTANT means an EPA registered hospital grade disinfectant which has effectiveness against salmonella choleraesuis, staphylococcus aureus and pseudomonas aeruginosa, HIV and HBV or a 1:100 dilution of 5.25% sodium hypochlorite (chlorine bleach) and water made fresh daily, dispensed from a spray bottle, and used to decontaminate inanimate objects and surfaces.
- (k) DISINFECTION means to destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces.
- (l) EVENT COORDINATOR means the person responsible for obtaining NCHD approval for a temporary event, and the person responsible for ensuring compliance with these regulations at temporary events.
- (m) EXTENSIVELY REMODELED means any major alteration of an existing configuration in a body art establishment that results in one or more of the following:
 - (1) Addition or deletion of a body art procedure station or area used to clean, sterilize or store body art equipment, tools, and supplies;
 - (2) Alterations or revisions involving body art establishments or related equipment that requires a building or construction permit by local building authorities; or
 - (3) Changes or alterations that result in a deduction or increase of total space by 25% or more.
- (n) GLOVES means those which are single use, and are labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy-duty, multi-use and waterproof.
- (o) HECTOGRAPHIC means a copy made from a prepared gelatin surface to which the original document has been transferred.
- (p) INFECTIOUS WASTE means blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials; items caked with blood or other potentially infectious materials that can release these materials upon handling; contaminated sharps; and human pathological/anatomical waste.

- (q) **INVASIVE** means entry through the skin or mucosa either by incision or insertion of an instrument, body ornament, or any other means.
- (r) **JEWELRY** means any ornament inserted into the body.
- (s) **MINOR** means any person under the age of 18 years.
- (t) **MOBILE UNIT** means an enclosed unit on wheels, and is readily moveable, which may only be used for the performance of body art services in conjunction with a temporary event approved the Health Department.
- (u) **NEEDLE** means the instrument and its permanently assembled components used to puncture the skin with the intent to create an opening for the insertion of jewelry or pigmentation.
- (v) **OTHER POTENTIALLY INFECTIOUS MATERIAL** means any material or bodily fluid that may contain a blood borne pathogen or infectious agent.
- (w) **PERSON IN CHARGE** means the owner, manager or individual(s) present at the body art establishment who is responsible for the operation at the time of an inspection. If no individual is responsible, then any employed person present is the person in charge. If multiple body artists share the establishment, then each artist shall be considered a person in charge.
- (x) **PIERCING** means puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry or other adornment in the opening.
- (y) **PROCEDURE AREA** means any surface of an inanimate object that contacts the client's skin during a body art procedure and all surfaces where instruments and supplies are placed during a procedure.
- (z) **SCARIFICATION** means an invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.
- (aa) **SCULPTING** means a modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
- (bb) **SHARPS CONTAINER** means a puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation and disposal and is labeled with the Universal Biological Hazard Symbol.
- (cc) **SHARPS** mean all objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa, including without limitation single use needles, scalpel blades and razor blades. It does not include disposable safety razors which have not broken the skin.
- (dd) **SINGLE USE** means a disposable item intended and designed to be used only one time on one individual.

- (ee) STERILIZATION means a process that results in the total destruction of all forms of microbial life, including highly resistant bacterial spores.
- (ff) STERILIZER means an autoclave that is designed by the manufacturer, and classified as a class II medical instrument sterilizer and is used for the destruction of microorganisms and their spores.
- (gg) TATTOOING means inserting pigment under the surface of the human skin or mucosa by pricking with a needle or other means, to permanently change the color or appearance of the human skin or to produce an indelible mark or figure visible through the human skin.
- (hh) TEMPORARY EVENT means an industry trade show, convention, product demonstration, educational seminar, or other similar event at which body artists perform body art outside a permanent body art establishment and lasting no longer than 7 consecutive days.
- (ii) ULTRASONIC CLEANING UNIT means a piece of equipment approved by the Department, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of heat and high frequency oscillations transmitted through the contained liquid.
- (jj) UNIVERSAL PRECAUTIONS mean a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B and other blood borne pathogens as defined by the Centers for Disease Control.

SECTION 2: MINIMUM REQUIREMENTS FOR BODY ARTISTS

2-201 All body artists shall:

- (a) Successfully complete training through the NCHD pertaining to these Regulations, blood borne pathogens and their control, and upon completion, post the Certificate of Completion in a conspicuous place visible to patrons;
- (b) Update the training required in Section 2-201(a) at least once per year;
- (c) Successfully complete and maintain Red Cross Certification or American Heart Association training in Cardio Pulmonary Resuscitation ("CPR") and Basic First Aid;
- (d) Possess and demonstrate knowledge of: universal precautions; blood borne pathogen control, disinfection and sterilization techniques; procedures for infection and exposure control; and the infectious waste management plan; and
- (e) Receive vaccination against hepatitis B (HBV) or provide a written statement to declining the vaccination.

SECTION 3: LICENSING

3-301 License Required. No body art establishment shall operate in Logan, Morgan, Phillips, Sedgwick, Yuma or Washington Counties without a current, valid license from the NCHD.

3-302 Plan Review.

- (a) New or remodeled body art establishments shall submit plans to the NCHD, which must be approved prior to commencement of construction. At a change of ownership, an existing establishment must submit plans and have them approved prior to opening. In both cases, a minimum of 14 days is necessary for the NCHD to review the plans. A plan review fee will be charged and must be paid before plans will be reviewed. All revisions of the approved plans and specifications shall require resubmission for approval.
- (b) Plans shall include the following:
 - (1) A floor plan drawn to scale;
 - (2) Equipment specification sheets, including water heater information;
 - (3) A complete interior finish schedule;
 - (4) Water supply source;
 - (5) Wastewater disposal system.
 - (6) Ventilation system;
 - (7) Copies of required written procedures, logs and consent forms;
 - (8) Any other information requested by the department; and
 - (9) Whenever the submittal of plans and specifications is required, the Health Department shall conduct a pre-opening inspection. The operator shall submit a request for a pre-opening inspection at least 7 days in advance of the date of an intended opening. After a pre-opening inspection has been conducted and the NCHD determined the establishment is in compliance with these regulations, a "Body Art Establishment Operating License" will be issued to the establishment operator, or the remodeled portions of the establishment will be approved for use under the existing license.

3-303 Inspections.

- (a) Agents of the NCHD, after proper identification, shall be permitted to enter any body art establishment during business hours for the purpose of making inspections, investigating complaints and to determine compliance with these regulations. Agents of the NCHD shall only enter a procedure area with the client's consent.

- (b) A pre-opening inspection shall be completed by the NCHD to determine if a new establishment is in compliance with these regulations. Then, at least one routine inspection will be required each year. Re-inspections will be done as needed, as will complaint inspections.
- (c) The agents shall be permitted to examine documents or true copies of documents relative to these Regulations.
- (d) Following an inspection, the findings shall be recorded and shall describe violations that exist. A copy of the completed report shall be furnished to the person in charge by the end of the next workday following conclusion of the inspection.
- (e) All body art establishments shall display, in an appropriate location readily visible to customers and visitors, the most recent inspection report.

3-304 The NCHD shall issue a license after determining that the establishment is in compliance with these Regulations, and after all related fees have been paid. The operator shall post the license in a conspicuous location. The license shall be current at all times.

3-305 The body art establishment must have a person(s) in charge at all times. The person in charge shall have access to the following information and it shall be on the premises for review by the NCHD:

- (a) Contract for sharps disposal and other Infectious Waste disposal;
- (b) Spore test log and test results;
- (c) Client records;
- (d) Manufacturer's information on sterilization equipment;
- (e) Infection and exposure control written procedures; and
- (f) Employee records to include:
 - (1) Full legal name;
 - (2) Home address;
 - (3) Home phone number;
 - (4) Proof that all employees handling sharps or infectious waste have completed the hepatitis B vaccination series or submitted a written declination;
 - (5) Proof of CPR and first aid training as required in Section 2-201(c); and
 - (6) Copies of any required licenses and training certificates.

3-306 All infections, complications or diseases resulting from any body art procedure that become known to the person in charge shall be reported to the NCHD within 24 hours.

3-307 The person in charge shall have access to and shall maintain client records on the premise for a minimum of 3 years. The client records shall be available for review by the NCHD.

SECTION 4: OPERATIONAL REQUIREMENTS

4-401 Sanitation.

- (a) Each body art establishment shall be kept clean and in good repair. All procedure areas and instrument cleaning areas shall have floors, walls and ceilings constructed of smooth, nonabsorbent and easily cleanable material. Outer openings shall provide protection against contamination from dust and other contaminants.
- (b) Toilet facilities shall be provided and shall be made available to both patrons and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, nonabsorbent and easily cleanable material.
- (c) At least 50 foot candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas.
- (d) All surfaces in the procedure area and instrument cleaning room, including without limitation counters, tables, equipment, chairs, recliners, shelving and cabinets, shall be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.
- (e) Hand sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Minimum hot water temperature at hand sinks is 90 degrees Fahrenheit (35 degrees Celsius). Hand sinks are required in each procedure area, may be shared by two artists and shall be located so that one artist does not potentially contaminate another artist's area. Each hand sink shall be provided with soap and disposable towels or a hand-drying device providing heated air. In addition, a hand sink shall be provided in or adjacent to each toilet room.
- (f) Distinct and separate areas shall be used for cleaning equipment, wrapping and packaging equipment, and for the handling and storage of sterilized equipment.
- (g) Instrument cleaning sinks and utility sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. Minimum hot water temperature shall be 110 degrees Fahrenheit (43 degrees Celsius). Utility sinks, instrument cleaning sinks and hand sinks shall be separate and must only be used for their designated purpose. Sinks with threaded faucets shall be equipped with back flow prevention devices approved by the NCHD.
- (h) Water shall be supplied from a source approved by the Department. Sewage, including liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.

- (i) Refuse, excluding infectious waste, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.
- (j) There shall be a waiting area that is separate from the procedure area and the instrument cleaning, sterilization, and storage areas.
- (k) Reusable cloth items shall be mechanically washed with detergent in water at a minimum of 140 degrees Fahrenheit (60 degrees Celsius), unless an approved disinfectant is applied in the rinse cycle or the dryer uses heat above 140 degrees Fahrenheit (60 degrees Celsius) as specified by the manufacturer. Clean cloth items shall be stored in a clean, dry environment until used. Soiled laundry shall be stored in a nonabsorbent container until removed for laundering and shall be stored separate from clean cloths.
- (l) Animals shall not be allowed in the body art procedure areas, instrument cleaning, sterilization, or storage areas. Fish aquariums and service animals shall be allowed in waiting rooms and non-procedural areas.
- (m) All chemicals shall be labeled as to its contents, properly stored, and used according to manufacturer's label instructions.
- (n) No body art establishment shall be within an area used for human habitation, food preparation, hair and fingernail care, or other such activities that may cause contamination of work surfaces.
- (o) A utility sink or curbed cleaning facility with a floor drain, and hot and cold water, shall be provided and used for the cleaning of mops or similar wet floor cleaning materials and for the disposal of mop water or similar liquid wastes.
- (p) In establishments that conduct branding, adequate ventilation shall provide free and unrestricted circulation of fresh air throughout the body art establishment and the expulsion of foul odors and stagnant air.
- (q) Sharps and infectious waste shall be handled in a manner consistent with C.R.S. § 25-15-401, *et seq.* Discarded sharps shall be disposed of in approved sharps containers. Infectious waste other than sharps shall be placed in impervious, tear resistant, plastic bags or containers which are red in color and marked with the Universal Biological Hazard Symbol. Harps and infectious waste shall be disposed of in an approved, off-site treatment facility; or waste may be treated on-site if the treatment complies with all federal, state and local requirements. On-site treatment requires a written plan outlining disposal as required in Section 7-701(b).

4-402 The following information shall be documented on the client consent form for all procedures:

- (a) Name, address, current phone number, age and signature of the client;
- (b) Date of the procedure;

- (c) The type and location of the body art;
- (d) Sterilization date or lot number of instruments used for the procedure;
- (e) Manufacturer and lot number information of pigments or inks used;
- (f) Identification of sterilizer(s) used to sterilize any instruments used;
- (g) Documentation that information regarding risks and outcomes were discussed and written information provided prior to the procedure including:
 - (1) Advising the client that tattoos and permanent cosmetics should be considered permanent, can be removed only with a surgical or laser procedure, and that any effective removal may leave scarring; and
 - (2) Explanation to the client of the healing process, including the expected duration, possible side effects, abnormalities, and restrictions or limitations.
- (h) Verification that written and verbal aftercare instructions were provided to the client;
- (i) The legal name of the artist performing the body art procedure;
- (j) In the case of a minor client, the following additional information shall be recorded on the client consent form:
 - (1) Name, address, current phone number and signature of parent or legal guardian providing consent, or if a client is under 18 years old and provides proof of emancipation, a copy of the proof;
 - (2) A description or copy of documentation shown to the body artist to indicate parentage or guardianship such as an original copy of a birth certificate, or original court order of guardianship; and
 - (3) A copy of a state or federal photo identification of the person attesting to their status as custodial parent or legal guardian of the minor client, and their signed written consent to allow the specific body art service to be performed on the minor client.
- (k) To ensure the proper healing of a client following a body art procedure, the client shall be asked to disclose the following:
 - (1) Diabetes;
 - (2) Hemophilia;
 - (3) Skin diseases or skin lesions;
 - (4) Pregnancy or breast feeding;

- (5) Neurological or immune compromised;
- (6) Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps or metals;
- (7) Treatment with anticoagulants or other medications that thin the blood or interfere with blood clotting; or
- (8) Any other information that would aid the body artist in the healing process evaluation.

4-403 Aftercare Instructions. Written and verbal aftercare instructions shall be provided to the client for each body art procedure, including the following information:

- (a) Name, address, and phone number of the establishment and the legal name of the body artist who performed the procedure;
- (b) Information on when the client should consult a physician to include signs of infection, and allergic reaction;
- (c) The expected duration of healing;
- (d) Description of how to care for the body art procedure site including the following:
 - (1) Proper hand washing prior to handling, cleaning and caring for the procedure site;
 - (2) Instructions to use clean bed linens and bath towels throughout the healing period; and
 - (3) Restriction of any physical activity (swimming, bathing, sauna use, etc.).
- (e) Possible side effects from the procedure; and
- (f) Name, address, and phone number of the NCHD.

SECTION 5: TEMPORARY EVENTS

5-501 Temporary event licenses are required and may be issued when:

- (a) The event coordinator has submitted a completed temporary event coordinator form for the temporary event to the NCHD at least 30 days prior to the temporary event;
- (b) The event coordinator has paid all required fees;
- (c) Body artists are either:
 - (1) Affiliated with a body art establishment approved by the appropriate body art regulatory authority for their home jurisdiction; or

- (2) Sponsored by the operator of a body art establishment licensed in the jurisdiction of the NCHD if the written sponsorship agreement is submitted to the NCHD with the temporary event application and the sponsor will be responsible for ensuring that the body artist understands these Regulations;
- (d) Body artists have successfully completed no less than 6 hours of training in a blood borne pathogens course approved by the NCHD and submitted documentation that demonstrates successful completion of training that is at least equivalent to the training offered by the NCHD;
- (e) Body artists have complied with Section 2-201(d) and (e); and
- (f) The NCHD determines that the temporary event facility is in compliance with Section 5.

5-502 Temporary event licenses shall be valid for a period of not more than 7 consecutive days beginning on the first day of the temporary event, are valid for one location and are not transferable from one place to another; and shall be posted in a prominent location and shall be conspicuously visible to patrons.

5-503 Temporary events shall comply with these Regulations except as follows:

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

SECTION 6: MOBILE UNITS

6-601 Mobile units shall be licensed body art establishments, and mobile units must receive a licensing inspection at least annually at a location determined by the NCHD. Additional inspections may be required. To operate during a temporary event, a mobile unit operator must work with the event coordinator to ensure that the mobile unit is included in the temporary event permit application.

6-602 Mobile units shall comply with the following:

- (a) Exterior doors shall be self-closing and tight fitting. Operable windows shall have tight fitting screens of at least 16 mesh per inch or greater. Inoperable windows shall be sealed shut.
- (b) The water supply tank(s) shall be designed to be easily flushed and with a drain that permits complete drainage of the tank. The potable water tank shall have no common interior partition with the wastewater tank(s) or with any other tank(s) holding any other liquids. The water tank overflow or vent shall terminate in a downward direction and shall be located and constructed so as to prevent the entrance of contaminants.
- (c) All wastewater shall be drained to a retention tank at least 15% larger than the potable water storage capacity of the unit. Wastewater shall be delivered to the retention tank by means of one of more sinks or other approved plumbing fixtures, and a sealed drain pipe. Wastewater shall be discharged from the waste retention tank to an approved sewage disposal facility and flushed as often as necessary to maintain sanitary conditions.
- (d) The potable water tank inlet and wastewater tank outlet shall be permanently fitted in a manner to preclude the connection of a potable water hose to the wastewater tank drain, or a wastewater drain hose to the potable water tank inlet.
- (e) Restroom facilities shall be located within 200' from the mobile unit and shall be accessible while the mobile unit is in operation.
- (f) During operation, all doors shall be kept closed to help prevent contamination of surfaces within the unit.

SECTION 7: INFECTION AND EXPOSURE CONTROL PROCEDURES

7-701 Written procedures. Every mobile, temporary or permanent body art establishment shall have and comply with written procedures for infection and exposure control. All procedures shall be in compliance with the standards of the Occupational Safety and Health Administration, the Centers for Disease Control and Prevention, and all local and state regulations. The procedures shall include without limitation:

- (1) Instrument cleaning and sterilization;
- (2) Cleaning and disinfection of the procedure area(s), as required by Section 9-903(g);
- (3) Storage and disposal of sharps;
- (4) Universal Precautions procedures;
- (5) Post exposure procedures;
- (6) Use of personal protective equipment;

- (7) Hand washing procedures;
- (8) Chemical storage and safety;
- (9) Injury and illness prevention; and
- (10) An infectious waste management plan consistent with C.R.S. § 25-15-401, *et seq.*

SECTION 8: INSTRUMENTS/STERILIZATION

8-801 Instrument and Jewelry Cleaning.

- (a) All non-disposable instruments and jewelry that penetrate body tissue, and all non-disposable tubes, grips, forceps, or jewelry tools which can be sterilized, shall be properly cleaned prior to packaging and sterilization. All other instruments shall be cleaned and disinfected after each use.
- (b) All unused instruments placed in the procedure area during the procedure shall be repackaged and re-sterilized.
- (c) Used instruments shall be soaked in a disinfectant manufactured for the specific purpose of treating blood-soaked instruments until cleaning can be performed. The solution shall be changed in a time as recommended by the solution manufacturer.
- (d) Employees shall wear the following while cleaning instruments:
 - (1) Heavy-duty, multi-use, waterproof gloves;
 - (2) Face protection that covers the mouth, nose and eyes; and
 - (3) Garment protection in the form of disposable aprons and sleeves.
- (e) Instruments shall be disassembled for cleaning. All instrument components shall be cleaned of all organic material and other foreign substance manually under the surface of a water bath so as to minimize spray of any infectious materials. Cleaning tools shall be rinsed clean, treated with a disinfectant and stored in a manner that minimizes contamination of work surfaces. Once manually cleaned, all instruments shall be cleaned in an ultrasonic cleaner using the appropriate cleaning agent specific to the type of cleaning performed. Instruments shall be rinsed clean of any detergents and cleaning residue and air dried prior to packaging.

8-802 Ultrasonic Cleaners.

- (a) All ultrasonic cleaners shall be capable of heating the cleaning solution.
- (b) All ultrasonic cleaners shall have the capacity to adequately clean the volume of dirty instruments generated.

- (c) The aerosolized particulates generated by the ultrasonic cleaner shall be contained by adequately covering the cleaner while in use.
- (d) In rooms where clean instrument handling is taking place, an ultrasonic cleaner shall not be in operation at the time that sterile packages are being handled.
- (e) The operation of ultrasonic cleaners in procedure areas is prohibited.

8-803 Instrument and Jewelry Packaging/Wrapping.

- (a) Employees shall wear clean gloves while packaging/wrapping instruments.
- (b) Instruments shall be wrapped or packaged with a sterilizer indicator on or in each package.
- (c) All packages shall be labeled with the time and date of sterilization and or lot number. Packages will no longer be considered sterile 6 months after the date of sterilization.
- (d) Packages that have reached the expiration date established by the manufacturer or in the absence of such expiration date have reached a date equivalent to 6 months after the date of sterilization, or that have been otherwise compromised either in handling or storage, will no longer be considered sterile.

8-804 Sterilizers.

- (a) Sterilizers shall be adequate in size and design.
- (b) Sterilizers shall use steam and allow for an adequate drying cycle.
- (c) The sterilizer shall be designed and classified as a Class 2 medical device.
- (d) The sterilizer and operators' manual shall be available on the premise and the sterilizer shall be operated according to manufacturer's recommendations.
- (e) The sterilizer shall be cleaned and maintained according to manufacturer's specifications.
- (f) A sterilizer load log shall be maintained for a minimum of 3 years and made available for inspection, and shall contain the following documentation for each load:
 - (1) Description of instruments contained in the load;
 - (2) Date and time of sterilization load, or other unique identifier if more than one load is processed during a single day;
 - (3) Sterilizer cycle time and temperature;

- (4) Indication of proper sterilization of instruments, as evidenced by the appropriate color indicator change on each package; and
 - (5) Description of the action taken when appropriate color indicator change did not occur.
- (g) Sterilizer Monitoring.
- (1) Sterilizer monitoring shall be performed at least weekly (unless more frequent monitoring is specified by the manufacturer) by using a commercial biological (spore) monitoring system.
 - (2) All biological indicators shall be analyzed by a laboratory independent from the establishment.
 - (3) Biological indicator test results shall be maintained on the premises for a minimum of 3 years and must be available for inspection at all times.
 - (4) The NCHD may require the operator to submit copies of the weekly sterilizer monitoring results by mail, facsimile or in person.

8-805 Instrument Storage.

- (a) Hands shall be washed in accordance to Section 9-903(a) and gloved with single use gloves prior to handling sterilized instrument packages.
- (b) After sterilization, instruments shall be stored in a dry, clean area reserved for storage of sterile instruments and in a manner that limits the sterility of the packaging being compromised.

8-806 Single Use Items.

- (a) Single use items shall be stored in a dry, clean manner.
- (b) Single use items shall be handled in such a manner that prevents any contamination.
- (c) Single use items shall not be used on more than one client and shall be disposed of after the procedure.
- (d) Contaminated single use needles, razors and other sharps shall be disposed of immediately in approved sharps containers.

SECTION 9: BODY ART PROCEDURES

9-901 A body artist has the right to refuse service to anyone for any reason.

9-902 The following are prohibited:

- (a) Body art performed anywhere except in a licensed body art establishment;

- (b) Body art performed on any person who is noticeably impaired by drugs or alcohol;
- (c) Smoking, eating and drinking in the procedure or instrument cleaning areas;
- (d) Body art performed on skin surfaces that have sunburn, rash, pimples, boils, infections or moles, or manifest any evidence of unhealthy conditions; and
- (f) Performing body art without complying with Section 2-201, except that:
 - (1) For a period not to exceed 100 days, a body artist who is not in compliance with Sections 2-201(a) and 2-201(b) may conduct body art services under the direct supervision of another body artist who is compliant with Section 2-201.
 - (2) A body artist who is not a resident of the counties under the NCHD's jurisdiction may perform body art at an approved temporary event, but must meet the requirements of Sections 5-501(c), (d), and (e).

9-903 The following procedures shall be practiced by all body artists:

- (a) Thoroughly wash hands with soap and warm water for at least 20 seconds before and after serving each client. Following thorough washing, dry hands using clean, disposable paper towels, or a hand-drying device providing heated air.
- (b) Wear new, clean gloves for each procedure. If a glove is pierced, torn or contaminated, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of gloves.
- (c) Change drapes, lap cloths or aprons between each client.
- (d) Wear new, clean gloves while obtaining and assembling instruments and supplies to be used in the procedure.
- (e) Keep all sterilized instruments in the sterile packages until opened in front of the client.
- (f) Dispense all used substances from multi-use containers in a manner to prevent contamination of the unused portion.
- (g) Properly discard any substances and supplies immediately following the procedure, and properly dispose of all leftover liquids used during the procedure.
- (h) Before each client, use an approved disinfectant according to the label manufacturer's instructions, and a single use paper towel to wipe all surfaces, including without limitation counters, tables, equipment, chairs, recliners, shelving, cabinets, and supplies.

9-904 Tattooing Procedures.

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

9-905 Body Piercing Procedures.

- (a) The area to be pierced shall be cleaned with soap, where appropriate, and treated with a medical antiseptic prior to beginning the piercing procedure. The use of medical antiseptics whether topical or oral shall comply with the manufacturer's recommendations.
- (b) All body piercing needles shall be sterile, single use, and manufactured for either medical or body piercing purposes. All needles shall be disposed of immediately after use in a sharps container.
- (c) Only sterilized jewelry or new jewelry that has been disinfected and in good condition shall be used. Jewelry surfaces and ends must be smooth, free of nicks, scratches, burns, polishing compounds and metals, and must have a consistent mirror finish.
- (d) In a fresh or initial piercing, or in a stretching that results in an increase greater than one gauge, or a stretching that produces visible tearing or bleeding, the jewelry used must meet one of the following standards:
 - (1) Steel that is ASTM F-138 compliant or ISO 5832-1 compliant;
 - (2) Steel that is ISO 10993-6, 10993-10, or 10993-11 compliant (EEC Nickel Directive compliant);

- (3) Titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant;
- (4) Titanium that is ASTM F-67 compliant;
- (5) Solid 14 karat or higher nickel-free white or yellow gold;
- (6) Solid nickel-free platinum alloy;
- (7) Niobium (Nb);
- (8) Fused quartz glass, lead-free borosilicate or lead-free soda-lime glass; or
- (9) Polymers (plastics) as follows:
 - a. Tygon® Medical Surgical Tubing S-50HL or S-54HL;
 - b. Polytetrafluoroethylene (PTFE) that is ASTM F754-00 compliant; or
 - c. Any plastic material that is ISO 10993-6, 10993-10 or 10993-11 compliant or meets the United States Pharmacopeia (USP) Class VI material classification.
- (e) Current manufacturer information, including but not limited to mill specification sheets, shall be available to verify that jewelry meets those standards.
- (f) Stud-and-clasp piercing systems shall be used according to manufacturer's instructions and shall only be used on the earlobe.
- (g) Any experimental piercing equipment must be approved by the NCHD.

SECTION 10: PENALTIES

10-1001 Violation and Penalties.

- (a) The NCHD is authorized by C.R.S. § 25-1-506(1) to close body art establishments to forbid gatherings of people therein and to exercise other control over body art establishments as necessary to protect the public health and to eliminate sources of epidemic and communicable disease.
- (b) The NCHD shall initially notify the person in charge in writing of any violations observed in the establishment, and provide a reasonable period of time to achieve compliance. If compliance is not demonstrated, the NCHD may assess a civil penalty not to exceed \$250 per violation. Each day in which a violation occurs is considered a separate offense.
- (c) The NCHD may assess a civil penalty not to exceed \$250 per day against a body artist for conducting body art without a license.

10-1002 The actual costs incurred by the NCHD for enforcement of these Regulations, including reasonable overhead costs, shall be charged to and payable by the violator.

SECTION 11: VARIANCES

11-1101 A body art establishment may request a variance from any requirement of these Regulations when such body art establishment believes that the requirement results in an undue economic hardship or when it is believed a standard may not apply to the specific situation.

11-1102 Requests shall be submitted in writing to the NCHD and shall include the name and location of the business, the name of the owner, and the Section of the Regulation for which a variance is being requested. Evidence of undue economic hardship should include professional estimates and costs of compliance. The person requesting the variance shall have the burden of supplying the NCHD with information that demonstrates the conditions exist which warrants the granting of a variance.

11-1103 The NCHD may grant a variance if:

- (a) Such variance is consistent with the purpose and intent of these Regulations; and
- (b) It is consistent with the protection of the public health; or
- (c) The circumstances of the establishment are unique; or
- (d) The cost of compliance is so great that it would threaten economic viability of the establishment or the establishment would be in grave jeopardy if compliance were enforced; or
- (e) The damage to the establishment's economic viability is in fact caused by compliance.

11-1104 A variance shall expire upon a change of circumstances from those supporting the variance or upon a transfer of ownership of the body art establishment.

11-1105 Any body art establishment for which a variance has been denied may appeal such denial by requesting a hearing conducted before the Health Department Hearing Officer.