

# Cavalier County Health District

# **BODY ART FACILITY**

## Rules and Regulations



**Public Health**  
Prevent. Promote. Protect.

**EFFECTIVE: February 1, 2015**

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## **CONTENTS**

- A. NOTICE OF RULES AND REGULATIONS
- B. DEFINITIONS
- C. INTENT
- D. APPLICABILITY – ADOPTION OF RULES AND REGULATIONS – EXEMPTIONS
- E. FACILITY – LICENSING REQUIREMENTS
- F. APPLICATION
- G. FEES
- H. INSPECTION
- I. INVESTIGATING COMPLAINTS
- J. DENIAL – SUSPENSION, OR REVOCATION OF LICENSE – MINORS
- K. BODY ART OPERATOR REQUIREMENTS
- L. PUBLIC NOTIFICATION REQUIREMENTS
- M. CUSTOMER RECORDS
- N. RECORDS RETENTION
- O. REPORTS OF INJURY
- P. REQUIREMENTS FOR PREMISES – CLEANLINESS-SANITATION
- Q. PREPARATION AND CARE OF THE BODY ART AREAS
- R. STERILIZATION PROCEDURES
- S. REQUIREMENTS FOR SINGLE-USE ITEMS
- T. TEMPORARY FACILITY LICENSING – REQUIREMENTS
- U. MOBILE BODY ART FACILITY LICENSING – REQUIREMENTS

## **A. NOTICE OF RULES AND REGULATIONS**

The following rules and regulations pertain to the inspection, operation, and monitoring requirements of body art facilities within the boundaries of **Cavalier County Health District (CCHD)**.

These rules and regulations are necessary and proper for the preservation of public health and safety. All body art facilities are required to adhere to these rules and regulations. The provisions of these rules and regulations shall be enforced.

We believe that, if the operational practices outlined below and throughout this manual are observed, your body art facility can serve as a safety and healthful environment. Note: Improperly designed, operated, and maintained body art facilities are a menace to the health and general welfare of the public and are hereby declared a nuisance; and are subject to the requirements specified under North Dakota Century Code (NDCC) Section 23-38-08 and Section 23-35-09. Any person who violates these provisions of these rules and regulations can be found guilty of a class B misdemeanor, Section 23-35-13.

All body art operators shall be knowledgeable about these rules and regulations, and facilities located in **Cavalier County**, shall operate in a manner that follows all rules and regulations set forth in this document.

These rules and regulations shall be effective on and after February 1, 2015.

## **B. DEFINITIONS**

*For the purposes of these rules and regulations, certain terms or words used herein shall be interpreted as follows: the word "shall" is mandatory; the words "should" and "may" are permissive.*

- "Aftercare"** means written instructions given to the customer, 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 an agent that destroys disease-causing microorganisms on human skin or mucosa.
- "Approving authority"** means the Environmental Health Division of Lake Region District Health Unit (LRDHU).
- "Board of Health"** means Cavalier County Health District Board of Health
- "Body art"** means the practice of physical body adornment by licensed or licensed facilities and operators using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, scarification and sub-dermal implanting. This definition does not include, for the purpose of this article, piercing of the outer perimeter or lobe of the ear with pre-sterilized single-use stud-and-clasp ear-piercing systems.
- "Body art facility"** means any place or premise, whether public or private, mobile, temporary or permanent, in nature of location, where the practices of body art, whether or not for profit, are performed. For these rules and regulations, "facility" shall refer to "permanent" structures unless stated otherwise in this document.
- "Body piercing"** means puncturing or penetration of the skin of a person with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a pre-sterilized single-use stud and-clasp ear-piercing system shall not be included in this definition.
- "Branding"** shall mean inducing a pattern of scar tissue by use of a heated material (usually metal) to the skin, making a serious burn, which eventually becomes a scar.
- "Contaminated waste"** means any liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030, known as "Occupational Exposure to Blood-borne Pathogens."
- "Cosmetic tattooing"** see "Tattooing".
- "Disinfection"** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- "Ear piercing"** means the puncturing of the non-cartilaginous perimeter or lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system following manufacturer's instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.
- "Equipment"** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art facility.
- "Handsink"** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.
- "Hot water"** means water that attains and maintains a temperature of at least 100 degrees F.
- "Instruments used for body art"** means hand pieces, needles, needle bars, and other instruments that may come in contact with a customer's body or may be exposed to bodily fluids during body art procedures.
- "Invasive"** means entry into the body either by incision or insertion of an instrument into or through the skin of mucosa, or by any other means intended to puncture, break, or compromise the skin or mucosa.
- "Jewelry"** means any personal adornment inserted into a newly pierced area, which may be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or

platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and which has been properly sterilized prior to use.

**“Lake Region District Health Unit”** means the administration office is located at 524 4<sup>th</sup> Avenue NE, Unit 9, Devils Lake, ND 58301, and is comprised of Benson, Eddy, Pierce, and Ramsey counties

**“Liquid chemical germicide”** means a disinfectant or sanitizer registered with the U.S. Environmental Protection Agency or an approximately 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, ¼ cup per gallon or 2 tablespoons per quart of tap water).

**“Mobile body art facility/unit”** means a mobile facility or unit which is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal which operates at a fixed location where a licensed or licensed operator performs body art procedures.

**“Operator”** means any person who controls, operates, manages, conducts, or practices body art activities at a body art facility and who is responsible for compliance with these regulations, whether actually performing body art activities or not. The term includes an assistant technician who works under the operator and performs body art activities.

**“Person”** means an individual, any form of business or social organization or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

**“Physician”** shall mean a person currently licensed by the state of North Dakota to practice medicine pursuant to the provisions of chapter 43-17 of the North Dakota Century Code.

**“Procedure surface”** means any surface of an inanimate object that contacts the customer’s unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

**“Sanitization procedure”** means a process of reducing the numbers of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Approving Authority.

**“Sharps”** means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa, including, but not limited to, pre-sterilized, single-use needles; scalpel blades; and razor blades.

**“Sharps container”** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is 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 customer, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective gloves.

**“Sterilization”** means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

**“Tattooing”** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing, including permanent makeup.

**“Temporary body art facility”** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

**“Ultrasonic unit”** means a unit approved by the Approving Authority, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

**“Universal precautions”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC), as “Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health Care and Public Safety Workers” in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol.38, No. S-6, and as “Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures”, in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand-washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood- and body fluid-contaminated products.

### **C. INTENT**

1. These rules and regulations are written in accordance with the authority granted the Board of Health in the North Dakota Century Code, 23-35 and 54-40 and **Cavalier County Health District**, hereby providing minimum standards and criteria for body art facilities following good public health practices. The primary goal of these rules and regulations is to ensure safe and sanitary facilities.
2. In any case, where a provision of this code is found to be in conflict with a provision of any zoning, building, safety, or health ordinance or code, the provision which establishes the more stringent standard for the promotion of health and safety shall prevail.
3. If any section, subsection, sentence, clause, phrase, or portion of these rules and regulations are for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations.

### **D. APPLICABILITY – ADOPTION OF RULES AND REGULATIONS - EXEMPTIONS**

1. The **CCHD** Board of Health have adopted these rules and regulations to regulate any person that receives compensation for engaging in the practice of tattooing, body piercing, branding, sub-dermal implants, or scarification. The rules and regulations establish health and safety requirements and limitations with respect to the age of an individual who may receive a tattoo, body piercing, or scarification and may prohibit any practice that the Board of Health deems unsafe or a threat to public health.
2. A facility is exempt from these rules and regulations if the facility provides body piercing that is limited to the piercing of the non-cartilaginous perimeter of the ear and the facility does not provide tattooing, branding, scarification, or sub-dermal implants. A person is exempt from these rules and regulation under if the person's practice under this section is limited to piercing of the non-cartilaginous perimeter or lobe of the ear. A licensed health care professional acting within that professional's scope of practice and the associated medical facility are exempt from these rules and regulations.
3. The intent of these rules and regulations for permanent facilities is stated in all sections of this document, except for Sections T and U. Licensing and other requirements for temporary facility and mobile body art facility are stated under Section T and U of these rules and regulations.

### **E. FACILITY - LICENSING REQUIREMENTS**

1. No person, firm, partnership, joint venture, association, business trust, corporation, or organized group of persons shall operate a body art facility providing tattooing, body piercing, branding, sub-dermal implant, or scarification services without first obtaining a body art license issued by the Approving Authority under these rules and regulations.
2. It is prohibited to obtain or attempt to obtain any body art facility or operator license by means of fraud, misrepresentation, or concealment.
3. The current body art facility license shall be posted in a prominent and visible area where it can be readily observed by customers.
4. A license issued under these rules and regulations are obtained from the health unit inspecting the facility and are valid for one calendar year, unless revoked for cause.
5. A license for a body art facility shall not be transferable from one place or person to another.

6. The license shall be renewed on or before a renewal date set by the Approving Authority, or before construction and opening of a new body art facility.

## **F. APPLICATION**

1. An applicant for a license to operate a body art facility shall submit a completed application for a license, on a form provided by the Approving Authority. The application must include the name and complete mailing address and street address of the body art facility, blue print design plans and construction specifics of the body art facility, and any other information reasonably required for the administration of these rules and regulations.
  - a. Blue print design plans and construction specification shall be submitted and approved prior to construction and/or use of any body art facility, before the preoperational inspection. All public body art facilities shall meet minimum construction standards.
2. The Approving Authority will conduct a preoperational inspection prior to initial licensure or changes in ownership to ensure operator compliance and understanding of all rules and regulations.

## **G. FEES**

1. The license fee to operate a body art facility shall be established by the Approving Authority fee structure. The license fee established must be based on the cost of conducting routine and complaint inspections and enforcement actions and the cost of preparing and sending license renewals.
2. The license fee is non-refundable and non-transferable.
3. An additional fee established by the Approving Authority's fee structure shall be imposed upon renewal if the license was not renewed before a date set by the inspecting agency's fee structure.
4. A reduced license fee in the amount of one-half the applicable license fee must be charged for a new facility that begins operation after July first of each year.
5. The fees established by the Approving Authority's fee structure must be based on the cost of conducting routine and complaint inspections and enforcement actions and preparing and sending license renewals. Fees collected under this section must be deposited in the approving authority's operating fund.

## **H. INSPECTION**

1. These rules and regulations require that all body art facilities be inspected yearly or as often as necessary throughout the year to ensure compliance with these rules and regulations.
2. Inspections shall take place unannounced whenever possible and at a reasonable hour and in a reasonable manner.
3. The approving authority shall properly identify themselves before entering a body art facility to make an inspection.
4. It is unlawful for any person to interfere with the Approving Authority in the performance of duties.
5. A copy of the inspection report must be furnished to the license holder or operator of the body art facility, with the approving authority retaining possession of the original.

## **I. INVESTIGATING COMPLAINTS**

1. In addition to inspecting body art facilities, the Approving Authority has the responsibility to investigate all facility reported complaints received.

2. If, after investigation, the Approving Authority should find that a licensee is in violation of these rules and regulations, the Approving Authority shall advise the licensee, in writing, of its findings and instruct the licensee to take steps to correct such violations within a reasonable period of time.
3. If the Approving Authority has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the owner or operator, the Approving Authority may do any or all of the following:
  - a. Issue an order excluding any or all operators from the licensed body art facility who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Approving Authority determines there is no further risk to public health.
  - b. Issue an order to immediately suspend the license of the facility until the Approving Authority determines there is no further risk to the public health. Such an order shall state the cause for the action.

## **J. DENIAL – SUSPENSION, OR REVOCATION OF LICENSE - MINORS**

1. Violation of these rules and regulations adopted is a class B misdemeanor. The Approving Authority shall deny issuance of a license to an applicant, or suspend or revoke any license issued under these rules and regulations if the applicant or license holder, or an employee of the applicant or license holder, violates these rules and regulations or any policies adopted to implement these rules and regulations, or if the applicant or license holder does any of the following:
  - a.) Submits false or misleading information in the application or in reports.
  - b.) Fails to construct, operate or maintain the body art facility in accordance with the application and these rules and regulations.
  - c.) Operates the body art facility in a way that causes or creates a nuisance or hazard to the public health or safety.
  - d.) Violates any condition upon which the license was issued and in accordance with these rules and regulations.
  - e.) Fails to allow the Approving Authority to inspect the facility at a reasonable hour and in a reasonable manner for the purpose of determining compliance with these rules and regulations.
  - f.) Fails to pay the license fee.
2. Minors: It is a class B misdemeanor for a person, other than a licensed health care professional acting within that professional's scope of practice, to tattoo, brand, sub-dermal implant, scarify, or pierce an individual who is under 18 years of age unless the tattooing, branding, sub-dermal, scarifying, or piercing takes place in the presence of and with written consent of the individual's parent or legal guardian.
3. Minors: It is a class B misdemeanor for a person to sell, trade, or otherwise provide materials for kits for tattooing, self-tattooing, branding, self-branding, scarifying, self-scarifying, sub-dermal implanting, self-sub-dermal implanting, body piercing, or self-body piercing to an individual who is under 18 years of age.
4. A political subdivision may enact and enforce an ordinance restricting tattooing, branding, sub-dermal implanting, scarifying, and piercing or restricting the sale of tattooing, branding, sub-dermal implanting, scarifying, and piercing materials and kits if the ordinance is equal to or more stringent than these rules and regulations.
5. Licenses issued under the provisions of these rules and regulations may be denied, suspended, or revoked temporarily or permanently.



6. The Approving Authority has the authority to abate the use of any facility until such time as the facility is no longer deemed a health or safety hazard.
  - a.) If a facility is closed, the facility shall not reopen for service without the permission of the Approving Authority.
  - b.) A facility's compliance with these rules and regulations does not relieve the owner or any employee of the facility from liability for injury sustained by a customer.
7. When a facility is found to be in violation and the license will be suspended, the operator shall be notified in writing that the license is, upon service of this notice, immediately suspended by the Approving Authority for failure of the holder to comply with the requirements of these rules and regulations.
  - a.) The written notice shall contain a statement informing the license holder or operator the reasons for suspension, the time frame within which the proprietor must meet the requirements, and state that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Approving Authority.
  - b.) The Approving Authority may permanently revoke a license after five days following service of the notice unless a request for hearing is filed within the five day period with the Approving Authority by the license holder.
8. Any person whose license has been suspended may, at any time, make application for reinstatement of the license.
  - a.) Within 10 days of receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing the suspension have been corrected, the Approving Authority shall re-inspect the body art facility or evaluate documentation provided by an operator.
  - b.) If the applicant is in compliance with the provisions of these rules and regulations, the license will be reinstated.
9. For repeated or serious (any rules and regulations infraction that threatens the health of the customer or operator) violations of any of the requirements of these rules and regulations or for interference with the approving authority in the performance of their duties, a license may be permanently revoked after a hearing.
  - a.) Before taking such action, the Approving Authority shall notify the license holder or operator in writing, stating the reasons for which the license is subject to revocation and advising the license holder or operator of the requirements for filing a request for a hearing.
  - b.) A license may be suspended for cause, pending its revocation or hearing relative thereto.
10. Hearings provided for in these rules and regulations must be conducted at a time and place that is designated by the Board of Health.
  - a.) On the basis of the record of the hearing, the Board of Health shall make a finding and may sustain, modify, or rescind any official notice or order considered in the hearing.
  - b.) A written report of the hearing decision must be furnished to the license holder or operator by the Approving Authority.

## **K. BODY ART OPERATOR REQUIREMENTS**

1. The following information shall be kept on file on the premises of a body art facility and available for inspection by the Approving Authority:
  - a.) Employee information:

- (1) full names and exact duties;
- (2) date of birth;
- (3) gender;
- (4) home address;
- (5) home/work phone numbers;
- (6) identification photos of all body art operator/technicians.

b.) Facility information:

- (1) facility name, mailing and physical address, and contact phone number
- (2) hours of operation;
- (3) owner's name and address.

c.) Complete description of all body art procedures performed.

d.) An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if applicable. Invoices or orders shall satisfy this requirement.

e.) A copy of these rules and regulations.

f.) Degree or certificate showing proof of body art training, including a completion date and contact information to validate the training agency or entity.

2. The body art operator must be a minimum of 18 years of age.
3. Smoking, eating, or drinking is prohibited in the area where body art is performed.
4. Operators shall refuse service to any person who, in the opinion of the operator, is under the influence of alcohol or drugs.
5. The operator shall maintain a high degree of personal cleanliness, conform to hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, operators must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
6. In performing body art procedures, the operator shall wear disposable medical gloves. Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual customer, and hands shall be washed before the next set of gloves is donned. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable medical gloves does not preclude or substitute for hand-washing procedures as part of a good personnel hygiene program.
7. If, while performing a body art procedure, the operator's glove is pierced or torn, or other-wise contaminated, the procedure delineated in subsection 6 of this section shall be repeated immediately. The contaminated gloves shall be immediately discarded, and the hands washed thoroughly (see subsection 6 of this section) before a fresh pair of gloves is applied. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
8. Contaminated waste, as defined in this chapter, that may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved "red" bag marked with the international biohazard symbol. It must then be disposed of by a waste hauler approved by the Approving Authority or, at a minimum, in compliance with 29 CFR Part 1910.1030, "Occupational Exposure to Blood-borne Pathogens". Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste that does not release liquid blood or

body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste onsite shall not exceed the period specified by the Approving Authority or more than a maximum of 30 days, as specified in 29 CFR Part 1910.1030, whichever is less.

9. No person shall perform any body art procedure upon a person under the age of 18 years without the presence, written consent, and proper identification of a parent, legal custodial parent, or legal guardian. Nothing in this section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent.
10. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
11. The skin of the operator shall be free of rash or infection. No person or operator affected with boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art facility in any capacity in which there is a likelihood that the person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
12. The operator shall be vaccinated against the Hepatitis B virus. The operator is responsible for ensuring that all individuals working at their facility initiate the Hepatitis B vaccination series within thirty days of starting work unless the individuals have previously received the complete Hepatitis B vaccination series and can provide documentation to the Approving Authority, antibody testing has revealed that the individual is immune, or the vaccine is contraindicated for medical reasons.
13. The operator shall be certified in CPR. Online training shall be approved by the American Heart Association or the American Red Cross. Online classes shall be consented by the Approving Authority, prior to taking the class.

#### **L. PUBLIC NOTIFICATION REQUIREMENTS**

1. Verbal and written public educational information, approved by the Approving Authority, shall be required to be given to all customers wanting to receive body art procedures.
  - a.) Verbal and written instructions, approved by the Approving Authority, for the aftercare of the body art procedure site shall be provided to each customer by the operator upon completion of the procedure.
  - b.) The written instructions shall advise the customer to consult a physician at the first sign of infection and shall contain the name, address, and phone number of the facility.
  - c.) These documents shall be signed and dated by both parties, with a copy given to the customer and the operator retaining the original with all other required records.
  - d.) In addition, all facilities shall prominently display a disclosure statement, provided by the Approving Authority, which advises the public of the risks and possible consequences of body art services.
  - e.) The facility license holder shall also post in public view the name, address and phone number of the Approving Authority that has jurisdiction over this program and the procedure for filing a complaint.
  - f.) The disclosure statement and the notice for filing a complaint shall be included in the facility license application packet.
  - g.) All infections, complications, or diseases resulting from any body art procedure that become known to the operator shall be reported to the Approving Authority by the operator within 24 hours.

## **M. CUSTOMER RECORDS**

1. So that the operator can obtain knowledge about the customer's health status for receiving a body art procedure and so that the customer's body art procedure heals properly, the operator or technician shall ask for the information and the customer shall disclose if they have or have had an of the following conditions:
  - a.) diabetes;
  - b.) history of hemophilia (bleeding);
  - c.) history of skin diseases, skin lesions, or skin sensitivities to soaps, disinfectants, etc.;
  - d.) history of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;
  - e.) history of epilepsy, seizures, fainting, or narcolepsy;
  - f.) use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting;
  - f.) use of medications other than routine antibiotics, allergy medication or birth control pills;
  - g.) hepatitis;
  - h.) HIV positive;
  - i.) high blood pressure, heart disease;
  - j.) pregnancy;
  - k.) contagious diseases;
  - l.) immune system disorders;
  - n.) serious physical or mental health problems
2. The operator shall ask the customer to sign a release form confirming that the above information was obtained or that the operator attempted to obtain. The customer shall be asked to disclose any other information that would aid the operator in evaluating the customer's body art healing process.
3. Each operator shall keep records of all body art procedures administered, including customer name and signature, date of birth, date, time, identification and location of the body art procedure performed, and operator's name.
  - a.) If pictures are taken of the body art, copies shall be included in the customer file.
  - b.) If the customer is a minor, proof of parental or guardian presence and consent must be obtained, signed and record retained.
  - c.) All customer records shall be confidential and be retained for a minimum of three years and made available to the Approving Authority upon notification.
4. Nothing in this section shall be construed to require the operator to perform a body art procedure upon a customer.

## **N. RECORDS RETENTION**

1. The body art facility shall keep a record of all persons who have had body art procedures performed.

1. The record shall include the name, date of birth, and address of the customer, a picture identification for the customer, the date, time of the procedure, the name of the operator who performed the procedure(s), type and location of procedure performed, and signature of customer, and, if the customer is a minor, proof of parental or guardian presence and consent, i.e. signature.
2. Such records shall be retained for a minimum of three years and shall be available to the Approving Authority upon request.
3. The Approving Authority and the body art facility shall keep such records confidential.

## **O. REPORTS OF INJURY**

1. If a customer of a facility regulated under this section reports to the facility an injury the customer or operator of the facility believes to have resulted from the tattooing, body piercing, branding, sub-dermal implanting, or scarification provided at the facility, the operator of the facility shall provide the customer with written information on how to report the alleged injury to the Approving Authority.
2. If a licensed health care professional treats a patient for an injury the professional determines, in the exercise of professional judgment, occurred as a result of a service regulated under these rules and regulations, the professional shall report the circumstances to the Approving Authority.
3. A licensed health care professional is immune from liability for making or not making a report under this section.

## **P. REQUIREMENTS FOR PREMISES –CLEANLINESS - SANITATION**

Following are the minimum requirements for construction, materials and general condition of a body art facility:

1. All new or extensively remodeled facilities shall submit a scale drawing and floor plan of the proposed facility for a plan review by the Approving Authority, as part of the license application process.
2. Facility grounds shall be maintained. In addition, the entrance and exit to and from the body art areas shall be kept cleaned and unobstructed.
3. All walls, floors, ceilings, fixtures, and procedure surfaces of a facility shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, ceilings, and fixtures shall be maintained in a clean condition.
4. All procedure surfaces, including customer chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each customer.
5. No article or equipment shall be used or offered for use by a patron unless that article has first been cleaned with an EPA-approved sanitizer.
  - a.) An individual sanitizer solution container used for each device shall be properly and clearly labeled.
  - b.) A test kit or other device that accurately measures the concentration of the sanitizing solution in parts per million (ppm) shall be used to measure the strength of the sanitizing solution when the concentrate and water dilution is initially prepared and at least daily thereafter to ensure sufficient strength of the sanitizing solution.
  - c.) Sanitizing solution information shall be recorded and available for readily available.
6. All body art facilities shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food facility or room where food is prepared,

any hair salon, any retail sales, or any other such activity that may cause potential contamination of work surfaces, exposed equipment, or customer procedure sites.

7. Effective measures shall be taken by the body art operator to protect against entrance into the facility and against the breeding or presence on the premises of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the facility, its appurtenances, or appertaining premises.
8. There shall be adequate floor space for the operator in each procedure room. Each facility shall have procedure rooms that shall be closed and/or screened from public view for customers requesting privacy.
9. The facility shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles measured three feet off the floor, except that at least 100 foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.
10. No animals of any kind shall be allowed in a body art facility except service animals used by persons with disabilities (e.g., seeing eye dogs). Fish aquariums shall be allowed in waiting rooms and non-procedural areas.
11. A separate, readily accessible hand sink with hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls and supplied with liquid soap and disposable paper towels shall be readily accessible within the facility. One hand sink shall serve no more than three operators. In addition, there shall be a minimum of one lavatory, excluding service sinks, and one toilet in a facility.
12. At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable, and kept clean.
13. All instruments and supplies shall be stored in clean, dry, and covered containers to prevent contamination.
14. Reusable cloth items shall be mechanically washed with detergent and chlorine bleach and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment to prevent contamination.

## **Q. PREPARATION AND CARE OF THE BODY ART AREAS**

1. Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single- use.
2. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single-use and disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste. The use of styptic pencils or alum solids shall not be used to check the flow of blood.

## **R. STERILIZATION PROCEDURES**

1. All non-single-use, non-disposable instruments used for body art shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water or by following

the manufacturer's instructions, to remove blood and tissue residue, and shall be placed in an ultrasonic unit also operated in accordance with the manufacturer's instructions.

2. After being cleaned, all non-disposable instruments used for body art shall be packed individually in peel-packs and subsequently sterilized as specified in subsection 3 of this section. All peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Peel-packs must be dated with an expiration date not to exceed six months.
3. All cleaned, non-disposable instruments used for body art shall be sterilized in a steam autoclave or dry-heat sterilizer (if approved by the Approving Authority). The sterilizer shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the sterilization unit must be available for inspection by the Approving Authority. Sterile equipment shall not be used if the package has been breached or after the expiration date without first repackaging and re-sterilizing. Sterilizers shall be located away from work stations or areas frequented by the public. If the body art facility uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
4. Each holder of a license to operate a body art facility shall demonstrate that the sterilizer used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through an independent laboratory. The license shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Approving Authority. These test records shall be retained by the operator for a period of three years and made available to the Approving Authority upon request.
5. Tattoo needles and piercing needles are not reusable under any circumstances. After use, all needles, razors and other sharps shall be immediately disposed of in red Sharps containers, appropriately labeled with the international biohazard symbol. After sterilization, all reusable instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.
6. All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to the performance of a body art procedure. When assembling instruments used for body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.
7. All inks, dyes, pigments, needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, dyes, or pigments or their dilution with potable water is acceptable. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

## **S. REQUIREMENTS FOR SINGLE-USE ITEMS**

1. Single-use items shall not be used on more than one customer for any reason. After use, all single-use needles, razors, and other sharps shall be immediately disposed of in approved sharps containers.
2. All products applied to the skin, including body art stencils, shall be single use and disposable. If the Approving Authority approves, acetate stencils shall be allowed for reuse if sanitization procedures as specified in Section B, under the definition of "Sanitation procedure" are performed between uses. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner to prevent contamination of the original container and its contents. The gauze shall be used only once and then discarded.

## **T. TEMPORARY FACILITY LICENSING - REQUIREMENTS**

1. Temporary facility licenses, when required, may be issued for body art services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows, or education. Temporary facility licenses will not be issued unless:
  - a.) the applicant furnishes proof of compliance with Section E, relating to license requirements.
  - b.) the applicant is currently affiliated with a fixed location or permanent facility which, where applicable, is licensed by the appropriate state or local jurisdiction; and
  - c.) the temporary site complies with Section T, "temporary facility license requirements" of these rules and regulations.
2. A person who wishes to obtain a temporary facility license must submit the request in writing for review by the Approving Authority at least thirty days prior to the event. The request must specify:
  - a.) the purpose for which the license is requested.
  - b.) the period of time during which the license is needed (not to exceed 14 calendar days per event), without reapplication;
  - c.) the location where the temporary demonstration license will be used.
3. The applicant's demonstration project must be contained in a completely enclosed, non-mobile facility (e.g., inside a permanent building).
4. Compliance with all of the requirements of these rules and regulations includes but is not limited to the following:
  - a.) Conveniently located hand-washing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with local plumbing code is to be provided.
  - b.) Tuberculocidal single-use hand wipes, approved by the Approving Authority, to augment the hand-washing requirements of this section must be available in each booth/cubicle.
  - c.) There shall be at least 100 foot candles of light at the level where the body art procedure is being performed;
  - d.) Facilities to properly sterilize instruments and evidence of a spore test performed on sterilization equipment 30 days or less prior to the date of the event must be provided; or only single-use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed.
  - e.) Ability to properly clean and sanitize the area used for body art procedures is required.
5. The facility where the temporary facility license needed must be inspected by the Approving Authority and license issued prior to the performance of any body art procedures.
6. Temporary facility licenses issued under the provisions of these rules and regulations may be suspended by the Approving Authority for failure of the holder to comply with the requirements of these rules and regulations.
7. All facility licenses and the disclosure notices must be readily seen by customers.



## **U. MOBILE BODY ART FACILITY LICENSING - REQUIREMENTS**

In addition to complying with all of the requirements of these rules and regulations, mobile body art vehicles working from a mobile body art facility shall also comply with all of the following requirements;

1. Mobile body art facilities are licensed annually, and no body art procedures are to be performed before a license is issued. License holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.
  - a. Mobile unit may require additional inspections prior to being licensed.
  - b. Mobile units may be inspected more frequently than permanent facilities.
  - c. Fees will apply per operator on site.
  - d. Additional fees may be assess for mobile units.
2. Mobile units shall provide a plan at least two weeks prior the initial inspection, detailing what they will be doing and how they will meet the provisions of the applicable regulations.
3. Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile home. No body art procedures shall be performed outside of the enclosed vehicle.
4. The mobile body art facility shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight fitting. Windows shall be able to be opened and have tight fitting screens.
5. Mobile body art facilities must have approved sterilization equipment available, in accordance with all requirements of Section R of this document.
6. The mobile body art facility shall be used only for the purpose of performing body art procedures. No habitation or food preparation is licensed inside the vehicle unless the body art work station is separated by walls, floor to ceiling, from culinary or domicile areas.
7. The mobile body art facility shall be equipped with an equipment washing sink and a separate hand sink for the exclusive use of the operator for hand-washing and preparing the customer for the body art procedure. The hand sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art facility at all times during operation. The source of the water and storage (in gallons) of the tanks shall also be identified. Tuberculocidal single-use hand wipes, approved by the Approving Authority, to augment the hand-washing requirements of these rules and regulations must be available.
8. All liquid wastes shall be stored in an adequate storage tank with a capacity at least 50 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Approving Authority.
9. Restroom facilities must be available within the mobile body art facility. A hand sink must be available inside the restroom cubicle. The hand sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as liquid soap and paper towels in dispensers. Restroom doors must be self-closing and adequate ventilation must be available.
10. No animals, except service animals of customers shall be allowed in the mobile body art facility at any time.
11. Mobile body art facilities must receive a preoperational inspection to ensure compliance with structural requirements.
12. Mobile body art facility licenses, as well as the disclosure notice, must be readily seen by customers.

# PUBLIC NOTICE

## TATTOOING DISCLOSURE STATEMENT

**CAVALIER COUNTY HEALTH DISTRICT DOES NOT ENDORSE OR RECOMMEND TATTOOING IN ANY FORM.**

**A LICENSE ISSUED BY THE LAKE REGION DISTRICT HEALTH UNIT ENVIRONMENTAL HEALTH DIVISION SIGNIFIES SANITATION OF EQUIPMENT AND PROCEDURES ONLY.**

**As with any invasive procedure, tattooing may involve possible health risks.**

**Tattooing could result in:**

- Pain, bleeding, swelling, infection, allergic reaction, scarring of the tattooing area, and nerve damage.

**The tattooing operator must:**

- Properly cleanse the tattooing site before tattooing
- Use sterilized equipment
- Use sterile tattooing techniques, and
- Inform the client of proper aftercare of the tattooing area.

**Comments and/or complaints:**

Contact Lake Region District Health Unit at (701) 662-7035 or send written comments to:

LRDHU – Environmental Health Division; 524 4<sup>th</sup> Avenue NE – Unit 9; Devils Lake, ND 58301.

# PUBLIC NOTICE

## SCARIFICATION DISCLOSURE STATEMENT

**CAVALIER COUNTY HEALTH DISTRICT DOES NOT ENDORSE OR RECOMMEND BODY SCARIFICATION IN ANY FORM.**

**A LICENSE ISSUED BY THE LAKE REGION DISTRICT HEALTH UNIT ENVIRONMENTAL HEALTH DIVISION SIGNIFIES SANITATION OF EQUIPMENT AND PROCEDURES ONLY.**

**As with any invasive procedure, body scarification may involve possible health risks.**

**Body scarification could result in:**

- Pain, bleeding, swelling, infection, nerve damage, and hypertrophic or keloid scarring of the procedure area.

**The operator must:**

- Properly cleanse the site before scarification
- Use sterilized equipment
- Use sterile scarification techniques, and
- Inform the client of proper aftercare of the procedure area.

**Comments and/or complaints:**

Contact Lake Region District Health Unit at (701) 662-7035 or send written comments to:

LRDHU - Environmental Health Division; 524 4<sup>th</sup> Avenue NE – Unit 9, Devils Lake, ND 58301.

# PUBLIC NOTICE

## **BODY PIERCING DISCLOSURE STATEMENT**

**CAVALIER COUNTY HEALTH DISTRICT DOES NOT ENDORSE OR RECOMMEND BODY PIERCING IN ANY FORM.**

**A LICENSE ISSUED BY THE LAKE REGION DISTRICT HEALTH UNIT ENVIRONMENTAL HEALTH DIVISION SIGNIFIES SANITATION OF EQUIPMENT AND PROCEDURES ONLY.**

**As with any invasive procedure, body piercing may involve possible health risks.**

**Body piercing could result in:**

- Pain, bleeding, swelling, infection, scarring of the pierced area, and nerve damage.

**The piercing operator must:**

- Properly cleanse the piercing site before piercing
- Use sterilized equipment
- Use sterile piercing techniques, and
- Inform the client of proper aftercare of the pierced area.

**Comments and/or complaints:**

Contact Lake Region District Health Unit at (701) 662-7035 or send written comments to:

LRDHU – Environmental Health Division; 524 4<sup>th</sup> Avenue NE – Unit 9, Devils Lake, ND 58301

## PERSONAL HISTORY - CLIENT HEALTH STATUS (OFFICE USE ONLY)

In order that the body art procedure heals properly, we ask that you answer the following to the best of your ability. **If you have any of the medical conditions in which you could suffer injury or death from by getting a body art procedure done, then you should consult with a physician prior to getting a procedure done if you have any of those conditions.**

1. Do you have diabetes?	Yes	No
2. Are you a hemophiliac, have a bleeding disorder, or a family history of bleeding?	Yes	No
3. Do you have a history of skin diseases, skin lesions, easy scarring, easy bruising, open sores, or skin sensitivities?	Yes	No
4. Do you have a history of allergies, adverse reactions to pigments, dyes, or other skin sensitivities?	Yes	No
5. Do you have a history of epilepsy, seizures, fainting, dizziness, or narcolepsy?	Yes	No
6. Are you using any anticoagulant medications which thin the blood and/or interfere with blood clotting?	Yes	No
7. Have you ever had hepatitis?	Yes	No
8. Have you ever tested HIV positive?	Yes	No
9. Do you have high blood pressure or heart disease?	Yes	No
10. FEMALES: Are you pregnant?	Yes	No
11. Do you currently have a contagious disease, i.e. Tuberculosis, Mononucleosis, Pneumonia, or Sexually Transmitted Diseases?	Yes	No
12. Do you now have, or have you ever had problems with your immune system?	Yes	No
13. Do you have any serious physical or mental health problems?	Yes	No
14. Are you taking any prescription medication other than routine antibiotics, allergy medication, or birth control pills?	Yes	No
15. Have you been hospitalized in the past 12 months? If yes, why:	Yes	No
16. Are you under the influence of drugs or alcohol?	Yes	No
17. Please provide any additional information that could help in evaluating the body art healing process:		
<b><i>By my signature below, I certify that I understand and have answered the above questions truthfully and to the best of my knowledge.</i></b>		
First Name (Print Legibly)	Last Name (Print Legibly)	Date of Birth
Address		
City	State	Zip Code
Artist/Operator Signature		Design/Procedure
Location of Procedure		Time of Procedure

-A copy of aftercare instructions has been provided-

Signature	Date
Parent/Guardian Signature (if client is under 18 years of age)	Date

***Answering yes to one or more of the above questions may suggest the need to consult a physician per the Rules Regulations for Body Art Facilities.***