COUNTY AGENDA REQUEST

Department:	Health Department	Presenter(s):	Rick Fehr or Jeff Kilgore
Meeting Date:	Wednesday, December 5, 2012	Type of Request:	New Business

Wording for the Agenda:

Discussion of the Board of Health's recommendation to approve body art fees.

Background/History/Details:

The State of Georgia requires Boards of Health to approve body art regulations. On October 9, 2012, the Fayette County Board of Health adopted body art regulations, and those regulations included body art fees.

By Georgia State Law, environmental health fees require the governing authority to approve proposed fees.

This request is for a discussion of the fees requested to be approved by the Board of Commissioners.

A copy of the fee schedule and regulations are attached as backup.

What action are you seeking from the Board of Commissioners?

No action is required. Staff is requesting direction on this matter or approval to submit to the next available Consent Agenda.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

FAYETTE COUNTY ENVIORNMENTAL HEALTH FEES

Body Art-Plan Review	$ 500.00
Body Art-Annual Fee Studio	$ 300.00
Body Art Annual Fee- Artist (First and Annual)	$ 100.00
Body Art Late Fee for Permit (after 30 days)	$ 50.00
Body Art Re-inspection	$ 100.00
Body Artist Temporary Permit- Weekly	$ 50.00
Body Art Regulations	$ 15.00

Fayette County Board of Health

Rules and Regulations for

Body Art Studios and Body Artists

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1. Authority

The legal authority for these rules is Section 16-5-71, Section 16-5-71.1, Section 16-12-5, Section 31-3-4, and Chapters 5 and 40 of Title 31 of the Official Code of Georgia Annotated.

2. Purpose

The Body Art Studios and Body Artist Rules are adopted for the purpose of establishing reasonable standards for individuals performing body art procedures and the facilities from which the procedures are provided. Such standards are designed to promote the health and safety of all individuals performing and receiving body art services.

3. Exemptions

These rules shall not apply to a physician or osteopath licensed under Chapter 34 pf Title 43 of the Official Code of Georgia Annotated, or a technician acting under the direct on-site supervision of such licensed physician or osteopath.

4. Definitions

The following definitions shall apply to these rules. Any word or phrase not defined below but otherwise defined in these rules shall be given that meaning. All other words or phrases shall be given their common, ordinary meaning unless, the context clearly requires otherwise.

a. "Antibacterial Solution" means any solution used to retard the growth of bacteria which is approved for application to human skin and includes all products labeled accordingly as approved by FDA.

b. "Biohazard" means any infectious agent(s) or parts thereof presenting a real or potential risk to the well being of humans or other species, directly through infection or indirectly through disruption of the environment.

c. "Body Art" means the practice of physical body alteration by permitted establishments and by licensed operators using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. Body art does not include practices that are considered medical procedures by the Georgia State Medical Board, which shall not be performed in a body art studio. Body art does not include the painting of the skin with tempura or temporary, non-indelible inks, paints, or dyes. Body art does not include piercing of the outer perimeter or lobe of the ear with pre-sterilized, single-use stud and clasp ear piercing systems.

d. "Body Art Studio" means any permanent building or structure in a planned commercial center on a permanent foundation, holding a valid

city or county business permit or license, wherein a Body Artist performs body art.

e. "Body Art Studio Permit" means the authorization granted by the Board of Health to the Owner to operate a Body Art Studio. Such permit is the property of the Fayette County Board of Health.

f. "Body Artist" means any person who performs body art.

g. "Body Piercing" means puncturing or penetration of the skin or mucosa of a person with any sharp instrument and/or the insertion of jewelry or other adornment thereto in the opening.

h. "Cosmetic Tattooing" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa. Cosmetic tattooing shall include permanent cosmetics, micro-pigmentation, permanent color technology, and micro-pigment implantation.

i. "Board of Health" means the Fayette County Board of Health or its duly authorized representatives.

j. "Currently Licensed Health Care Professional" means those professionals licensed by the state of Georgia to perform health care services and includes, but is not limited to, licensed physicians, registered nurses (RN), licensed practical nurses (LPN), and licensed emergency medical technicians.

k. "Department" means the Department of Public Health of the State of Georgia.

l. "Disinfection" means a process that eliminates many or all pathogenic microorganism, with the exception of bacterial spores from inanimate objects. High level disinfection can be expected to destroy all microorganisms, with the exception of high numbers of bacterial spores. Intermediate level disinfection inactivates Mycobacterium tuberculosis, vegetative bacterial, most viruses, and most fungi. Low level disinfection can kill most bacteria, some viruses, and some fungi. *Guideline for Environmental Infection Control in Healthcare Facilities: Recommendation of CDC and the Healthcare Infection Control Practices Advisory Committee* (HICPAC); U.S. Department of Health and Human Services Center for Disease Control and Prevention (CDC) (2003).

m. "Easily Cleanable" means composed of readily accessible, non-absorbent material, and of such constitution, finish, and fabrication that residue may be completely removed by non-mechanical low friction methods.

n. "EPA" means the Environmental Protection Agency

o. "Instrument" means any hand piece, needle, needle bar, sharp, device, or other object that is used or may come into contact with a client or may be exposed to bodily fluids during a body art procedure.

p. "Owner" means the person, partnership, corporation, association, or any other form of business organization that owns, maintains, or controls a Body Art Studio and who is responsible for the operation of the studio.

q. "Parlor" means the actual room of the Body Art Studio where the Body Artist performs procedures.

r. "Sanitary" means free of visible debris, residue, or contamination, and with reduced microbial contaminants.

s. "Sanitized" means an effective antimicrobial treatment by a process that provides sufficient concentration of chemicals or other suitable method on surfaces for enough time to reduce the microbial count to a sanitary level.

t. "Scarification" means the act of creating designs out of scar tissue by cutting the skin or branding it with heated metal.

u. "Sharps" means any discarded article that may cause punctures or cuts to the skin or tissue.

v. "Single-Use" means an instrument or article which is reasonably anticipated to come into direct contact with blood and compromised tissue surfaces during its intended use. Such articles are not to be used on more than one customer or client for any reason and must be disposed of after use as soon as possible, without posing risk of contamination or exposure to the body artist, the client, or the surrounding environment.

w. "Standard Precautions" means a set of guidelines and controls, published by the Center 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, Bi.S-6; "Recommendation 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; and "Recommendations for Prevention and Control of HCV Infection and HCV Related Chronic Disease" in MMWR, October 16, 1998, Vol. 47, No. RR-19. These methods of infection control require the employer and the employee to assume that all human blood and specified human body fluids are infectious for human immunodeficiency virus (HIV) and other blood borne pathogens. Precautions include, but are not limited to, hand washing, gloving, masks, protective eye wear and /or other protective equipment, injury prevention, and proper handling and

disposal of needles and other sharp instruments when contact with blood or bodily fluids containing blood is anticipated. Standard Precautions apply to blood, all body fluids, secretions, and excretions, excluding sweat, regardless of whether or not they contain visible blood, non-intact skin, and mucous membranes. Standard Precautions include Universal Precautions. In the event that the CDC or other primary reference or regulatory authority publishes materials or amends regulations applicable to this definition, this definition shall be deemed amended to include the latest versions of these documents, regulations, and recommendations.

x. "Sterilization" means the reduction of microbial life at an order of 10 log 6 using equipment capable of delivering full efficacy to all surfaces within the unit chamber, including tubes, lumens, cracks, or other obscured surfaces, including those inside packaging.

y. "Sterilizer" Means an autoclave certified to meet medical standards and performs the act of sterilization as defined herein.

z. "Sterilizer indicator" means a device designed to give visual verification that sterilization temperature has been achieved during the sterilization process.

aa. "Suspension" the act of, means the piercing of human tissue or skin with hooks or other piercing apparatuses for supporting or bearing weight, either human or object.

bb. "Tattoo" means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin or mucosa and includes the definition of tattoo as defined in O.C.G.A. 31-40-1(1) and as may hereafter be amended. The term "tattoo" also includes all forms of cosmetic tattooing.

cc. "Wash" means cleansing the skin with warm water and antibacterial soap and drying with single-use towels.

5. Scope of Rules

a. All permits issued under this Article shall constitute a mere privilege to conduct the business so authorized during the term of the permit only and subject to all terms and conditions imposed by the Board of Health, the Department, and state law.

b. The requirements of these rules shall be in addition to all other licensing, taxing, regulatory provisions of local, state, or federal law and shall not authorize violations of said other applicable laws.

6. Body Art Studio Owner

a. The Owner shall be responsible for compliance with the requirements in Chapter 40 of Title 31 of the Official Code of Georgia Annotated, with any applicable administrative rules and regulations of the Department, and with the applicable rules of the Fayette County Board of Health, including, but not limited to, all applicable statutes and rules and regulations regarding disclosure of ownership.

b. Prior to being granted a Body Art Studio Permit, the Body Art Studio Owner shall adopt and submit to the local health authority a written statement of policies and procedures of the Body Art Studio showing compliance with the following:

    1. No person under the age of eighteen (18) shall perform body art procedures on individuals unless under the direct on-site supervision of a physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated.

    2. Body Artist shall not be under the influence of alcohol and/or drugs while performing body art procedures.

    3. No person shall perform body art procedures on an individual who is or reasonably appears to be under the influence of alcohol, drugs, or other stimulants or depressants, or is of unsound mind or body.

    4. No animals of any kind shall be allowed in a Body Art Studio.

    5. No tattoo procedure shall be performed on a person under the age of eighteen (18) except by a physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated, or a technician acting under the direct supervision of such physician or osteopath with the written consent of a parent or guardian.

    6. No body piercing procedure shall be performed on a person under the age of eighteen (18) without written consent and proof of valid state issued identification of a parent or guardian. A copy of the consent form and proof of identification shall be maintained in the client's record. The parent or guardian must be present when the piercing procedure is performed.

    7. No tattoo procedure shall be performed on any person within one (1) inch of any part of the eye socket of such person.

7. Body Art Studio Permit

   a. The Owner of each Body Art Studio shall obtain a valid Body Art Studio Permit from the Fayette County Board of Health, prior to beginning operation. Body Art Studios shall renew their Permit annually in accordance with Section 8 and Section 9 herein.

   b. The Permit is the property of the Fayette County Board of Health.

   c. To be eligible for a new Body Art Studio Permit or a renewal permit, a Body Art Studio must be in compliance with all of the requirements of these rules.

   d. It shall be unlawful for any person to practice body art procedures unless such procedures are performed in a Body Art Studio operating under a valid Body Art Studio Permit issued by the Fayette County Board of Health.

   e. The holder of a Body Art Studio Permit shall only hire, employ, or use individuals to perform body art who have complied with the applicable requirements of this Article.

   f. The Body Art Studio Permit shall be displayed on the premises and conspicuously displayed in public view. Permits shall not be defaced or altered in any manner.. A Body Art Studio shall not post a reproduction of a Permit unless the Board of Health has marked it "Duplicate."

   g. All Body Art Studio permits issued pursuant to these rules are nontransferable.

   h. The Body Art Studio Permit shall be returned to the Fayette County Board of Health Environmental Health Section if it is suspended or revoked within seven (7) days.

8. Application for Body Art Studio Permit

   a. The application for a Body Art Studio Permit or for the renewal of a Body Art Studio Permit shall be made on forms provided by the Fayette County Board of Health.

   b. Any application for a new Body Art Studio Permit or for the renewal of a Body Art Studio Permit shall be sworn to by the applicant as true and correct.

   c. At least thirty (30) days prior to the anticipated date of opening, the Owner of a new Body Art Studio shall submit an application to the Fayette County Board of Health for a Body Art Studio Permit to operate under these rules.

d. The Application for a Body Art Studio shall include:

1. All existing Body Art Studios shall provide a drawing of the Studio, including the location of all furnishings and equipment.

2. All new Body Art Studios shall provide a scaled drawing of the Studio, including the location of all furnishings and equipment.

3. A zoning certification obtained from the appropriate jurisdiction. The applicant shall comply with all applicable zoning, building, safety, fire, and other local codes and requirements;

4. A copy of the Certificate of Occupancy for the Studio;

5. A complete description of all body art services which will be provided in the Body Art Studio;

6. The full or legal name under which the Body Art Studio is conducted;

7. The address of the Body Art Studio;

8. If the Owner leases the location, the name and current address of the landlord;

9. The name and home address of the Owner; if the Owner of the Body Art Studio is a partnership, the names and addresses of all partners; if the Owner is a corporation, the date and place of incorporation and the name and address of its registered agent in the state; or if the Owner is any other type of association, the names of the principals of the association;

10. A list containing the full names and home addresses of all employees and staff who will be working in the Body Art Studio;

11. A copy of the written statement and policies and procedures of the Body Art Studio in accordance with Section 6 of these rules;

12. An acknowledgement signed by the Owner acknowledging that the Owner has read and understands these rules; and

13. Such other information as may be deemed necessary by the Board of Health.

e. The applicant shall submit a non-refundable plan review fee as set by the Fayette County Board of Health and approved by the Fayette County Board of Commissioners. The plan review fee shall be waived for any

Body Art Studio that is open for operation prior to the adoption of these rules.

9. Application for Renewal

   a. At least thirty (30) days prior to the expiration of a Body Art Studio Permit, the Owner shall submit an application to the Fayette County Board of Health Environmental Health Section for a renewal of the Body Art Studio Permit.

   b. The application shall include an updated drawing of the Body Art Studio according to Section 8(d)(1).

   c. The application shall also include all information as described in Section 8(d)(5-13).

10. Issuance of Body Art Studio Permits and Fees

   a. The Fayette County Board of Health may issue a Body Art Studio Permit to an Owner after determining that the Studio is in compliance with the requirements of Chapter 40 of Title 31 of the Official Code of Georgia, with any applicable administrative rules and regulations of the Department, and with these rules.

   b. A Body Art Studio shall submit an application for a new Body Art Studio Permit when any of the following conditions exist:

      1. The Studio is remodeled, renovated, or expanded;

      2. There is a change in the legal ownership of the Body Art Studio; or

      3. An existing facility is moved or relocated.

   c. Body Art Studio Permits shall automatically expire on December 31st of each year.

   d. Prior to the issuance of a Body Art Studio Permit, the Owner must pay the applicable permit fee. Body Art Studio Permit fees shall not be prorated.

   e. No permit shall be issued to any owner to perform body art procedures in any area of Fayette County that is zoned for any type of residential use by Fayette County's zoning ordinances.

11. Denial, Suspension, or Revocation of the Body Art Studio Permit

a. Upon recommendation or official action of the Board of Health, a Body Art Studio Permit issued pursuant to any provision of this article may be denied, suspended, or revoked by the Board of Health, and considered null and void, if:

1. The application for a Body Art Studio Permit contains false or misleading information, or if the applicant omitted material facts in the application;

2. The premises covered by the permit are found to be in violation of any applicable provision of this Code, or other state or federal law;

3. The Studio is determined to be a threat or nuisance to public health, safety, or welfare;

4. The Owner or Body Artist violated the provision of this Code; or

5. Violations of the conditions of the permit are committed.

b. After a body Art Studio Permit has been revoked, a valid permit shall not be issued until all violations have ceased and all changes, alteration, additions, or improvements comply with all requirements of this Code as determined by the Fayette County Board of Health.

c. No Body Art Studio Permit shall be issued pursuant to any provision of this article to any applicant if within twelve (12) months immediately preceding the filing of any application under this article, the same applicant requesting a permit has been denied a permit based in whole or in part upon having furnished fraudulent or untruthful information in any application or having omitted any material fact in any application.

d. As required by Chapter 40 of Title 31 Section 4 of The Official Code of Georgia Annotated, any person substantially affected by any final order of the Board of Health denying, suspending, revoking, or refusing to grant or renew any permit provided under this Code may secure review by appeal to the Fayette County Board of Health in accordance with the hearing requirements of Chapter 5 of Title 31 Section 1 of the Official Code of Georgia Annotated, and as may hereafter be amended.

12. Application to Existing Businesses

a. The provisions of these rules shall be applicable to all Body Art Studios whether the Studios were established before or after the effective date of

these rules. Any Body Art Studio in business on the effective date of these rules shall comply with all requirements of these rules within six (6) months of the effective date.

13. Body Art Not Allowed in Mobile, Transitory Facilities

    a. Body Art shall not be allowed to occur in automobiles, mobile, transitory, or other non-fixed facilities. Such non-fixed facilities include mobile homes, tents, recreational vehicles, and trailers.

14. Body Art Studio Minimum Floor Plan Requirements

    a. The Body Art Studio shall be constructed, arranged, and maintained so as to provide adequately for the health and safety of its customers and staff.

    b. The Body Art Studio shall be constructed in a manner to allow the customer receiving the procedure adequate privacy from observers. The Parlor shall be separate from the waiting room.

    c. Insects, vermin, and/or rodents shall not be present in any part of the Body Art Studio. Effective measures shall be taken by the Body Art Studio Owner to prevent the breeding or presence of insects, vermin, and/or rodents on the premises.

    d. The Body Art Studio shall have adequate mechanical ventilation in compliance with current state and local building codes.

    e. Walls and ceilings of parlors and equipment storage rooms shall be painted or covered in a manner to ensure that the surface is easily cleanable. All paint and coverings shall be light in color.

    f. Parlor floors and equipment storage room floors shall be constructed of non-absorbent material to ensure that the surface is easily cleanable. Floors in the parlor and equipment storage room shall not be covered by carpet or wood.

    g. A clean and sanitary toilet and hand washing facility with a self-closing door and exhaust fan shall be made accessible to customers. Such facilities shall be separate from the parlor.

    h. The Body Art Studio shall be equipped with facilities to enable effective hand hygiene. This sink or sinks must be easily accessible, at the discretion of the Board of Health, to all body artists and shall be separate from the restroom. It shall also provide hot and cold water under pressure through a mixing valve with no aerator, and with foot or wrist actuated controls. These facilities shall be for the use of the body artist for sanitizing his or her hands and preparing the customers for Body Art procedures. This area shall be supplied with dispensed soap, an antibacterial solution, single use towels, and a clean and maintained fingernail brush.

i. An equipment washing sink shall be provided in the Studio, distinct from the hand sinks and shall be located in the equipment handling and assembly area. This sink shall meet National Safety Foundation (NSF) standards.

j. Parlors, equipment storage areas, and equipment handling and assembly areas shall have sufficient light to enable the Body Artist to properly do work and see all contamination. This shall be approved by the Fayette County Board of Health.

k. Parlors shall not be used as corridors for access to other rooms.

l. A water heater capable of heating water to one hundred degrees Fahrenheit (100° F) shall be provided. The size and capacity of such water heater shall be approved by the Fayette County Board of Health.

15. Body Art Studio Furnishings and Fixtures

a. Furnishing of the Body Art Studio shall be maintained in a sanitary condition and shall be intact and functional. The Studio shall be kept clean, neat, and free of litter and rubbish.

b. Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon, stencils, jewelry, studs, and other supplies shall be provided for each Body Artist and shall be designed, manufactured, and maintained in a sanitary manner so as to protect contents from contamination, such as blood and bodily fluids.

c. Appropriate furnishings shall be provided for each parlor.

d. Surfaces of all worktables, chairs, and furnishings shall be constructed of material that is smooth, non-absorbent, easily cleanable, and corrosion resistant.

e. Furnishing shall be sanitized with an anti-bacterial solution after each procedure.

f. Eating or drinking by anyone is prohibited in the parlor where a body art procedure is performed, except as required to ensure the health and safety of the body artist and/or client.

g. Smoking is prohibited in the Body Art Studio.

16. Body Art Studio Supplies

a. Single-use sterile supplies shall be in an uncompromised, sterilized condition at the time of their use, either by processing in a unit that meets the requirements for a sterilizer as defined herein, or be commercially

packaged and handled to protect them from contamination. These supplies shall be stored in an area separate from chemical supplies and toilet facilities.

b. All materials applied to human skin including, but not limited to, ink, stencils, and single-use piercing needles shall be from single-use containers and shall be disposed of after each use, except those instruments approved for sterilization by the Board of Health.

c. Jewelry supplies used in a Body Art Studio shall consist of a material rated by the American Society for Testing Materials or the International Standards Organization as being suitable for permanent surgical implant, such as stainless steel, gold, platinum, titanium, niobium, or dense, low porosity plastic such as Tygon or PTFE. Copies of the jewelry manufacturer's documentation, which verify compliance with standards must be available for inspection on request of the Board of Health. The jewelry shall also be smooth surfaced and scratch free.

d. Only single-use sterile gauze shall be used.

e. Antibacterial ointment shall be dispensed in a manner that prevents contamination of the antibacterial ointment container. For example, a single use tongue depressor may be use to dispense the ointment and then discarded.

f. Single-use articles shall not be used on more than one client or customer for any reason. These articles must be disposed of after use, or as soon as possible, without posing risk of contamination or exposure to the body artist, the client, or the surrounding environment.

17. Dyes and Pigments

a. Dyes and pigments shall be dispensed into single use containers.

b. All dyes and pigments shall be used according to the manufacturer's instructions.

c. After tattooing each individual, the remaining unused dye or pigment in the single use container shall be discarded, along with the container, into a covered trash receptacle that can be operated without the use hands. This container shall be lined with a bag that is leak resistant.

d. In preparing dyes and pigments to be used by a Body Artist, only non-toxic sterile single-use materials shall be used.

18. Sterilization

a. Instrument Cleaning

1. All non-disposable instruments shall be sterilized after each use according to the manufacturer's recommendation.

2. Employees shall wear heavy duty, multi-use, waterproof gloves while cleaning instruments.

3. Used instruments shall be soaked in an EPA approved disinfectant until cleaning can be performed. The solution shall be changed as recommended by the solution manufacturer.

4. Instruments shall be disassembled for cleaning.

5. All instrument components shall be cleaned, either manually or in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed.

b. Instrument Packaging

1. Employees shall properly wash hands and don clean gloves before packaging or wrapping instruments.

2. Instruments shall be wrapped or packaged with a sterilizer indicator on each package.

3. All packages shall be labeled with the time and date of sterilization. Packages shall no longer be considered sterile if the integrity of the package is damaged or if the date of sterilization exceeds six (6) months.

c. Instrument Sterilization

1. The sterilizer shall be designed and labeled as a medical instrument sterilizer.

2. The operator's manual for the sterilizer shall be available on the premises and the sterilizer shall be operated according to the manufacturer's recommendation.

3. The sterilizer shall be cleaned and maintained according to the manufacturer's recommendation.

4. A sterilizer log shall be maintained for the Studio and made available for inspection by the Fayette County Board of Health and the

customer. The log shall be kept for a minimum of one (1) year. The log shall contain the following documentation for each load:

i. A description of instruments contained in the load;

ii. The date of sterilization and time, if more than one load is processed in a single day;

iii. The sterilizer cycle time and temperature;

iv. Indication of proper sterilization of instruments, as indicated by the appropriate color change of the sterilizer indicator on each package. The indicator used shall be compatible with the sterilization process being used;

v. Any action taken when appropriate color indicator change did not occur; and

vi. Maintenance log, including:

1. date of service;
2. sterilizer model and serial number;
3. sterilizer location;
4. name of person requesting service;
5. description of malfunctions;
6. name of person performing maintenance;
7. description of services and parts replaced;
8. results of biologic validation and testing;
9. Signature and title of person acknowledging completed work.

d. Sterilization Monitoring

1. Sterilizer monitoring shall be performed at least once a month, unless more frequent monitoring is specified by the manufacturer, or after forty (40) hours of usage, whichever comes first, by using a commercial biological monitoring (spore) system.

2. All biological indicators shall be analyzed by a laboratory that operates under FDA guidelines and is independent of the Studio, with reports sent to the Studio.

3. Biological indicator test results shall be maintained on the premises for a minimum of one (1) year and must be available for inspection by Fayette County Board of Health. Upon notification of a positive microbiological monitoring report, the sterilizer shall be immediately checked for proper use and function. The Owner shall cease use of the sterilizer immediately upon receipt of the positive report and notify the Fayette County Board of Health with written documentation explaining corrective actions. If this sterilizer is the only means of sterilization of equipment, then the Studio will cease operations immediately. The Studio shall be allowed to re-open when a biological indicator test has three (3) consecutive negative results. The Studio shall have the option to purchase and install a new sterilizer in order to re-open prior to the receipt of the test results on the previous sterilizer or use all single-use items.

e. Instrument Storage

1. Hands shall be washed and gloved prior to handling sterilized instruments.

2. After sterilization, the instruments shall be stored in a dry, clean area, reserved for storage of sterilized instruments.

f. Single-use Items

1. If the body Art Studio operates using only pre-sterilized, single-use instruments and supplies, a sterilizer is not required.

19. Disinfection of the Body Art Studio

a. Each Body Art Studio shall be kept clean and sanitary.

b. The Owner shall develop and implement a cleaning schedule that includes appropriate methods of decontamination, plus any tasks or procedures to be performed daily. This written schedule shall be based on the types of surfaces to be cleaned, the types of possible contamination present, the tasks or procedures to be performed, and their location within the Body Art Studio. Adherence to the schedule must be documented on a weekly basis to be appended to a maintenance log. This log shall be available for review by the Fayette County Board of Health during normal hours of operation and to the general public upon request. Violation of proper maintenance and documentation thereof will be grounds for immediate closure or suspension of the Owner's Body Art Studio Permit.

c. All work surfaces shall be disinfected with an EPA approved disinfectant at the beginning of each work day, after completion of body art procedures on each individual, and at the end of each work day.

d. All protective coverings such as plastic wrap, barrier films, and aluminum foil shall be removed after each body art procedure and shall be placed in a covered trash receptacle that can be operated without the use of hands. These barriers shall be replaced with unused protective coverings. These barriers shall also be considered single-use products.

e. Reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated shall be decontaminated on a daily basis with a current EPA approved disinfectant. When contamination is visible, receptacles shall be cleaned and decontaminated immediately.

a. Disposal of Wastes

a. All disposable instruments are considered bio-hazardous and must be disposed of as bio-hazardous material. All bio-hazardous waste must be disposed of in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding bio-hazardous waste. Needles, razors, and other sharp instruments shall be placed in puncture resistant, closed containers immediately after use and shall be stored in closed cabinets or drawers at the end of each workday.

b. Contaminated needles shall not be bent, broken, or their structure otherwise compromised.

c. Sharps waste shall be safely discarded in a rigid and puncture resistant waste container that is leak proof on the sides and bottom with a self closing lid. These containers shall be labeled with the international biohazard symbol and the word "BIOHAZARD." All sharps waste shall be removed and disposed of by a company that will dispose of it in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding bio-hazardous waste.

d. Bio-hazardous non-sharps waste shall be discarded in a biohazard bag. Waste shall be removed and disposed of in accordance with all applicable local, state, and federal laws, rules, and ordinances regarding bio-hazardous waste.

e. All other non-hazardous disposable waste shall be placed in lined, easily cleanable containers with tight fitting lids to prevent leakage or spillage.

f. All other non-hazardous disposable waste shall be handled, stored, and disposed of so as to minimize direct exposure of personnel to waste material.

g. Self-closing waste containers designed to be operated without the use of hands and lined with plastic bags manufactured specifically for waste containers shall be located within each Parlor and restroom and shall be emptied at least once per day into a commercially approved dumpster. This dumpster must be picked up and emptied by a commercial contractor at least once per week.

h. All sewage, including liquid waste, shall be disposed of by a public sewage system or by a sewage system constructed and operated according to the applicable provisions of the Code or state law.

21. Client Records

a. The owner shall maintain a written detailed client record that describes the body art procedure(s) administered on each client. These records shall be kept on file for three (3) years after the procedure. Client records shall be immediately made available for inspection within seven (7) days of request.

b. The client records shall be created prior to any body art procedure being performed and shall reflect the client's name, signature, address, proof of age, body art procedure performed, date, design, its precise location upon the body, and the name of the Body Artist(s) performing or assisting in the procedure. The client record shall also describe whether any complications or incidents arose during the procedure and detail what action was taken to resolve the incident. A copy of a valid state issued photo ID (a driver's license, U.S. Military ID card) must be obtained from the client and maintained with the client's record.

c. Each client shall be provided with an informed consent statement that fully explains the procedure and each client shall be required to sign the informed consent statement prior to receiving any body art procedure. The informed consent statement signed by the client shall be maintained by the Owner in the client record, with a copy given to the customer.

d. A "disclaimer of liability" form promulgated by the Owner shall also be signed by the client prior to receiving any body art procedure. A copy of the "disclaimer of liability" signed by the client shall be maintained by the Owner in the client's record, with a copy given to the client.

e. The client record shall contain a signed and dated statement by the client attesting that he or she is not under the influence of alcohol and/or drugs at the time the body art procedure is performed.

f. The client record shall also contain a signed and dated statement by the client attesting that he or she has received, read, and understood a copy of an after-care procedures form.

g. The client has the right to request and receive their entire client record. If the client's record is available on the premises of the Body Art Studio, then the record shall be made available immediately upon request. If the record is not available on the premises, then the client's request for the client record must be fulfilled within five (5) business days.

h. Client records shall not be accessible to anyone except authorized employees of the Body Art Studio.

i. Client records shall be disposed of in a manner that will not disclose any personal information of the client. For example, client records may be shredded then, discarded in a waste receptacle.

22. Body Art Studio Inspection

a. The premises of any Body Art Studio and all records required to be maintained under these regulations shall be available for review and examination by the Board of Health and properly identified representatives of the County at anytime during normal business hours for the purpose of making inspections to determine compliance with these rules.

b. The Owner shall be responsible for having an employee with knowledge of the Studio's records on duty at the Body Art Studio during all hours of operation.

c. Studio inspections shall be performed at least two (2) times annually. Additional Studio inspections shall be performed as often as necessary for the enforcement of these rules. Each inspection will carry an inspection fee to be set by and approved by the Fayette County Board of Health.

d. A copy of the most recent inspection report shall be posted in public view, in an unobscure manner, within fifteen (15) feet of the main door, Five to seven (5-7) feet off the floor, and shall be approachable within one (1) foot.

e. If an individual becomes aware of a licensed Body Art Studio that is in violation of the Code, or other state or federal law, they may contact the Fayette County Board of Health. The alleged violation will be investigated at the discretion of the Board. The name, address, telephone number, and all other identifying information of the reporting individual will remain confidential, unless required to be disclosed by law.

f. If an individual becomes aware of an unlicensed individual or facility that performs, or has performed Body Art procedures, they may contact the Board of Health. The alleged unlicensed individual or facility will be investigated at the discretion of the Board of Health. The name, address, telephone number, and all other identifying information of the reporting individual will remain confidential, unless required to be disclosed by law.

23. Access

a. Representatives of the Board of Health, after proper identification, shall be permitted to enter any Body Art Studio at any reasonable time for the purpose of making inspections and review of pertinent records to determine compliance with this Code.

b. If a person denies access to the Board of Health, the Board of Health shall:

1. Inform the person that:

i. The permit holder is required to allow access to the Board of Health,

ii. Access is a condition of the acceptance and retention of a Body Art Studio Permit to operate, and

iii. If access is denied, an inspection warrant, issued by the appropriate authority to order access, may be obtained according to law; and

2. Make a final request for access.

24. Body Art Studio Personnel

a. All persons performing body art in Fayette County shall only perform such body art procedures in a validly permitted Body Art Studio.

b. Body Artist shall obtain and maintain current certifications in emergency first-aid, CPR, and blood-borne pathogen or infection control training except where the Body Artist is a currently licensed health care professional. All certifications must be renewed at a minimum of every two (2) years unless a more frequent time period is specified by the licensing agencies.

c. The above certifications must be obtained within sixty (60) days of the Body Artist's employment.

d. The Body Artist must obtain a physical examination by a licensed physician within thirty (30) days prior to employment or the initial application for a Body Artist Permit. Each Body Artist must obtain from the physician a certificate certifying that the Body Artist is free of any communicable disease. This examination must be conducted yearly.

e. All Body Artists and any employee that has the potential to come in contact with any bodily fluids shall be required to obtain the Hepatitis B vaccination.

f. The Owner shall maintain a file on all employees who perform body art procedures. Such files shall be available for inspection by properly identified representatives of the Board of Health during normal hours of operation. The file shall contain:

1. Report of physical examination;

2. Evidence of current emergency first-aid, CPR, and blood-borne pathogen or infection control training; and

3. The home address and home telephone number of each employee.

g. The Owner of a Body Art Studio shall only hire, employ, or use individuals who have complied with these rules.

25. Body Artist Permit

a. No person may perform body art without first obtaining a Body Artist Permit. Body Artist shall renew their permit annually.

b. A Body Artist Permit shall not be eligible for renewal unless all requirements of these rules are met.

c. The Body Artist Permit shall be displayed in the Body Artist's Parlor.

d. All Body Artist Permits issued pursuant to these rules are nontransferable.

e. A Body Artist Permit shall be returned to the Board of Health Environmental Health Section if it is suspended or revoked.

f. Proof of current certification in emergency first-aid, CPR, and blood-borne pathogen or infection control training shall be required within sixty (60) days of issuance of Body Artist Permit. Otherwise, the Body Artist Permit will be suspended until this training is completed, not to exceed sixty (60) days. If the requirements are not meet within this sixty day suspension, the Body Artist Permit will be revoked.

26. Application for a Body Artist Permit

a. Each Body Artist shall submit to the Board of Health Environmental Health Section an application for a Body Artist Permit.

b. The application for a Body Artist Permit shall be made on forms provided by the Board of Health and shall not be considered accepted unless complete in all respects, including the payment of any fees required. Application fees shall be set by the Fayette County Board of Health.

c. Application for a Body Artist Permit shall include the following information concerning the Body Artist:

1. Full legal name;
2. All aliases;
3. Copy of a valid driver's license or valid state issued photo identification;
4. Home address;
5. Gender;
6. Mailing address;
7. Home phone number;
8. Training and/or experience;
9. Evidence of current certifications; and
10. Physician report of physical examination and Hepatitis B Vaccination.

27. Issuance of Body Artist Permit and Fees

a. The Fayette County Board of Health Environmental Health Section may issue a Body Artist Permit to an individual after determining that the individual is in compliance with the requirements of Chapter 40 of Title 31 of the Official Code of Georgia, with any applicable administrative rules and regulations of the Department, and with these rules.

b. Body Artist Permits shall automatically expire on December 31st of each year.

c. Prior to the issuance of a Body Artist Permit, the Body Artist must pay the applicable permit fee. Body Artist Permit fees shall not be prorated.

d. At least thirty (30) days prior to the expiration of a Body Artist Permit, the Body Artist shall submit an application for the renewal to the Fayette County Environmental Health Section.

28. Application to Existing Body Artist

a. The provisions of these rules shall be applicable to all Body Artists, whether the Body Artist began performing body art before or after the effective date of these rules. Any Body Artist established on the effective date of these

rules shall comply with all requirements of these rules within six (6) months of the effective date.

29. Denial, Suspension, or Revocation of Body Artist Permit

a. Upon recommendation or official action of the Board of Health, a Body Artist Permit issued pursuant to any provision of this article may be denied, suspended, or revoked by the Board of Health, and considered null and void, if:

1. The application for a Body Artist Permit contains false or misleading information, or if the applicant omitted material facts in the application;

2. The Body Artist violated the conditions of the permit; or

3. The Body Artist committed any violation of this article.

b. After a Body Artist Permit has been revoked, a valid permit shall not be issued until all violations have ceased and the Body Artist complies with all requirements of this article as determined by the Board of Health.

c. No Body Artist Permit shall be issued pursuant to any provision of this article to any applicant if within twelve (12) months immediately preceding the filing of any application under this article, the same applicant requesting a permit has been denied a permit based in whole or in part upon having furnished fraudulent or untruthful information in any application or having omitted any material fact in any application.

d. As required by Chapter 40 of Title 31 Section 4 of The Official Code of Georgia Annotated, any person substantially affected by any final order of the Board of Health denying, suspending, revoking, or refusing to grant or renew any permit provided under this Code may secure review by appeal to the Fayette County Board of Health in accordance with the hearing requirements of Chapter 5 of Title 31 Section 1 of the Official Code of Georgia Annotated, and as may hereafter be amended.

30. Body Artist Temporary Permits

a. No person may perform body art without first obtaining a Body Artist Permit.

b. The Body Artist Permit shall be displayed in the Body Artist's Parlor or in public view.

c. A Body Artist Permit shall be returned to the Board of Health Environmental Health Section if it is suspended or revoked.

d. Proof of current certification in emergency first-aid, CPR, and blood-borne pathogen or infection control training shall be submitted in conjunction with a Body Artist Temporary Permit application.

e. Application for a Body Artist Temporary Permit shall include the following information concerning the Body Artist:

1. Full legal name;
2. All aliases;
3. Copy of a valid driver's license or valid state issued photo identification;
4. Home address;
5. Gender;
6. Mailing address;
7. Home phone number;
8. Training and/or experience;
9. Evidence of current certifications; and
10. Physician report of physical examination and Hepatitis B Vaccination.

31. Issuance of Body Artist Temporary Permit and Fees

a. The Fayette County Board of Health Environmental Health Section may issue a Body Artist Permit to an individual after determining that the individual is in compliance with the requirements of Chapter 40 of Title 31 of the Official Code of Georgia, with any applicable administrative rules and regulations of the Department, and with these rules.

b. Prior to the issuance of a Body Artist Permit, the Body Artist must pay the applicable permit fee.

c. A temporary permit for a Body Artist will be valid seven (7) days from the issuance date.

d. This permit is transferable, with the exception that, the Body Artist will notify the Fayette County Board of Health when a location change from one Body Art Studio is made to another Body Art Studio.

e. A Body Artist that obtains a Body Artist Temporary Permit shall comply with Sections 28 and 29 of this Article.

32. Prohibited Acts

a. No person shall tattoo the body of an individual who is under eighteen (18) years of age, unless the person performing the tattoo procedure is a physician or osteopath licensed under Chapter 34 of Title 43 of the Official Code of Georgia Annotated, or a technician acting under the direct supervision of such licensed physician or osteopath in compliance with Chapter 9 of Title 31 of the Official Code of Georgia Annotated.

b. No person shall pierce the body, with the exception of ear lobes, of any person under the age of eighteen (18) for the purpose of allowing the insertion of earrings, jewelry, or similar objects into the body, unless the minor's legal parent, custodian, or guardian with proper identification is present and signs a written consent form provided by the Body Art Studio. The consent form must indicate the methods and part(s) of the minor's body upon which the body art procedure is performed.

c. No person shall tattoo the body of any person within one (1) inch of the nearest part of the eye socket of such person.

d. No person shall perform body art procedures on an individual who is, or reasonably appears to by under the influence of alcohol, drugs, or other stimulants or depressants, or is of unsound mind or body.

e. No person shall obtain the services provided in a Body Art Studio by misrepresentation of age in any place where body art procedures are performed.

f. It shall be unlawful for any Body Artist to perform any acts of scarification and or acts of suspension in the Body Art Studio.

33. Violations

a. It shall be unlawful for any person, firm, or entity to violate any of the provisions of this article or any other applicable provisions of this Code.

b. No person shall be allowed to perform body art procedures unless that person is employed by a Body Art Studio and holds a current body Artist Permit. No person shall be allowed to perform body art procedures outside the confines of a validly permitted Body Art Studio.

c. It shall be unlawful for Body Artist to be under the influence of any alcohol and/of drugs while performing body art procedures.

d. Except as specified in 1 of this subsection, no animals of any kind shall be allowed inside a Body Art Studio.

1. Live animals may be allowed in the following situations if the contamination of clean equipment, parlors, single-use articles, or any other items that may be used in a body art procedure cannot result:

i. Decorative fish in aquariums;

ii. Patrol dogs accompanying police or security officers;

iii. In areas that are not used for any equipment storage or equipment cleaning and preparing areas;

iv. Service animals that are controlled by the disabled employee, person, or trainer of such animal, if a health or safety hazard will not result from the presence or activities of the service animal.

e. An Owner of a Body Art Studio shall be deemed responsible for any act, omission, or violation of this article committed by any Body Artist in said Studio, working upon Studio premises, or performing body art procedures for the owner as an independent contractor.

34. Sanitation

a. Body Artists shall follow Standard Precautions.

b. All hand and/or arm jewelry worn by a Body Artist that may impede in the procedure or have sharp edges that may compromise the integrity of the gloves shall be removed prior to the start of the body art procedure.

c. Prior to performing body art on each client, the Body Artist shall ensure that his/her fingernails are closely trimmed and shall perform proper hand washing. This includes thoroughly washing and scrubbing hands with warm water and antibacterial soap, using an individual hand brush that is clean and in good repair. The hands shall then be dried by single-use towels.

d. Prior to the start of the body art procedure, the Body Artist shall inspect his/her hands for hangnails, small cuts, sores, and abrasions. If a cut, sore, or abrasion is detected, a bandage should be applied for added protection before gloving. Single-use medical gloves shall be worn during the body art procedure. They shall be donned in such a fashion that their integrity is not compromised. The gloves shall be changed and properly disposed of each time there is an interruption in the procedure, if the gloves become soiled, torn, punctured, or the integrity of the glove is compromised. The body crafter shall perform hand hygiene before donning and after removing each set of gloves.

e. Each Body Artist shall wear a clean outer garment, apron, or smock.

f. Body Artists who are experiencing symptoms of illness including, but not limited to, diarrhea, vomiting, fever, rash, or skin infections shall refrain from performing body art procedures.

g. Adequate numbers of sterilized needles and tubes must be on hand for each Body Artist for the entire day and/or night operation.

h. Only single-use disposable razors shall be used to shave the area of the body where the body art procedure will be performed.

i. All items that come in contact with a client's skin shall be single-use and disposed of after the procedure.

j. All sharps used in body art procedures shall be sterile at the time of the procedure.

k. All fixtures and equipment contaminated with blood shall be cleaned with an approved sanitizer, for example, a ten (10) percent bleach solution made fresh daily or as often as needed to maintain appropriate sanitizer concentration.

35. Tattoo Preparation

a. Prior to placing a tattoo design on the client's skin, any jewelry worn by the client that might impede the body art procedure shall be removed.

b. The Body Artist shall apply an antibacterial solution to the skin in the involved area.

c. If a paper stencil is used by a Body Artist for transferring the design to the skin, the stencil shall be single-use and disposable.

d. If the design is drawn directly onto the skin, it shall be applied with a single-use sterile instrument only.

e. The completed tattoo shall be washed with a single-use towel saturated with an antibacterial solution.

f. After the area has dried, a layer of antibacterial ointment from a collapsible or plastic tube shall be applied.

g. After the application of the antibacterial ointment, a bandage or other protective barrier shall be applied to the tattoo.

h. The client shall be given written and oral instructions on how to care for the tattoo during the healing process.

36. Procedures Specific to Body Piercing

a. Before piercing the skin of a client, any jewelry worn by the client that might impede the procedure shall be removed.

b. The Body Artist shall apply an antibacterial solution to the skin in the involved area prior to the procedure being performed.

c. The client shall then be given both written and oral instructions on how to care for the piercing during the healing process.

d. A facility that limits its piercing practice to the piercing of the lobe of the ear with pre-sterilized, single-use stud and clasp piercing systems shall be exempt from regulatory requirements of this article. Compliance with the requirements for this exemption may be verified by inspection at the option of the Board of Health.

37. Compliance

a. A Body Art Studio shall operate in compliance with these rules and with a valid Body Art Studio Permit issued by the Fayette County Board of Health.

b. A Body Artist shall perform body art procedures in compliance with these rules and with a valid Body Artist Permit issued by the Fayette County Board of Health.

38. Enforcement and Penalties

a. Enforcement of the rules and regulations shall be in accordance with O.C.G.A 31-5.

b. The Board of Health may refuse to grant a permit for the operation of any Body Art Studio which does not fulfill the minimum requirements of the rules and regulations and may revoke a permit which has been issued and invoke other sanctions if a studio violates any of these rules and regulations. Before any order is entered refusing a permit applied for or revoking a permit, the applicant or permit holder shall be offered an opportunity for a hearing before the County Board of Health as provided in Article 1 of Chapter 5 of Title 31 of the Official Code of Georgia Annotated. The notice of refusal or revocation shall contain directions on how a hearing may be requested.

c. The Board of Health is empowered to institute proceedings in a court of competent jurisdiction for the purpose of enjoining violations of an applicable provision of Title 31 of the Official Code of Georgia Annotated or of these rules and regulations.

d. Any person or entity violating any provision of this regulation shall, upon conviction thereof, or upon entering a plea of guilty or nolo contendere thereto, shall be punished by a fine, not exceeding one thousand dollars ($1000) or by imprisonment for a term not more than sixty (60) days, or by both fine and imprisonment.

e. Owners shall be responsible for ensuring agents and employees fully comply with the provisions of these regulations and shall be liable for any violation hereof.

39. Effective Date

a. The provisions of these rules shall become effective sixty (60) days after adoption by the Fayette County Board of Health.

Passed and adopted by the Fayette County Board of Health on this ___10th_ day of __July_____ 2012.

Signed: _____
Chairman

_____
Secretary