

**NORTHWEST GEORGIA PUBLIC HEALTH DISTRICT 1-1
RULES AND REGULATIONS
OF
BODY ART STUDIOS
AND TATTOO/BODY PIERCING ARTISTS**

3/22/2010

County Board of Health

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I. Authority.

The legal authority for this Rule is Chapter 31-40 of the Official Code of Georgia Annotated. (O.C.G.A. Chapters 31-40-1, 31-40-2, 31-40-3, 31-40-4, 31-40-5, 31-40-6, 31-40-7, 31-40-8, 31-40-9, and 31-5.)

II. Purpose.

The purpose of these rules and regulations is to establish reasonable standards for individuals performing body art procedures and for the facilities from which the procedures are provided. If followed, such standards should ensure the health and safety of all individuals performing and receiving these services.

III. Exemptions.

These regulations do not apply to a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath. Exemptions may include cosmetic reconstructive surgery or procedures performed under the direct supervision of a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath.

IV. Definitions.

- (1) “**Administrative body**” means the partnership, corporation, association, or the person or group of persons who maintain and control the body art studio and personnel, and who are legally responsible for the operation of the studio.
- (2) “**Antimicrobial solution**” means any solution used to retard the growth of microorganisms approved for application to human skin and includes all products labeled accordingly as approved by the Food and Drug Administration (FDA).
- (3) “**Antiseptic**” means an agent or substance that will destroy or inhibit the growth and development of infectious microorganisms on human skin or mucous membranes.
- (4) “**Applicant**” means any person who applies for a body art license, guest body art license, body art establishment permit, or temporary body art establishment permit.
- (5) “**Approval**” means written approval from the Department of Health indicating that the body art establishment has been inspected and meets all terms of the applicable rules.
- (6) “**Approved**” means being accepted by the Department or local health officer, as appropriate under applicable laws and regulations.
- (7) “**Aseptic technique**” means to render or maintain free from infectious material so as to prevent transfer or transmission of infectious agents.
- (8) “**ASTM**” means the American Society for Testing Materials International.
- (9) “**Autoclave**” means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time per manufacturer’s specifications.
- (10) “**Biohazardous waste**” means liquid or semi-liquid blood or other potentially infectious materials and/or contaminated items, which if compressed, would release blood or other potentially infectious materials in a liquid or semi-liquid state.
- (11) “**Blood**” means human blood, human blood components, and products made from human blood.
- (12) “**Blood borne pathogens**” means pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include but are not limited to Hepatitis B virus (HBV), Hepatitis C virus (HCV), and Human Immunodeficiency virus (HIV).
- (13) “**Board of Health**” means the Local County Board of Health.
- (14) “**Body art**” means the practice of physical body adornment by means of tattooing or body piercing. This definition does not include practices considered medical procedures by the Georgia Board of Registration in Medicine such as implants under the skin which are prohibited unless such medical procedures are performed by a person licensed by the Georgia Board of Registration in Medicine.
- (15) “**Body art establishment**” or “**body art studio**” means any permanent building or structure on a permanent foundation, holding a valid city or county business license, if applicable, and permit from the County Board of Health where the practices of body art are performed whether or not for profit.
- (16) “**Body art establishment permit**” or “**permit**” means the issuance of a written permit by the Department to a body art establishment stating that such establishment, after inspection, was found to be in compliance with these regulations.

- (17) **“Body artist”** means a person at least eighteen (18) years of age who performs tattooing or body piercing and who is responsible for complying with applicable provisions of these regulations.
- (18) **“Body art license”** shall mean a license issued by the Department to a specifically identified person who is qualified to engage in the practice of body art in accordance with these regulations.
- (19) **“Body art regulation”** shall mean the rules, regulations and guidelines promulgated by the Board of Health pursuant to O.C.G.A. § 31-40-1 as amended from time to time.
- (20) **“Body piercer”** means a person at least eighteen (18) years of age who engages in the practice of body piercing regardless of the type of body ornament utilized or body area to be pierced.
- (21) **“Body piercing”** means puncturing or penetrating the skin or mucosa of a client utilizing a single use sterile needle or other sterile instrument for the purpose of inserting jewelry or other adornment into the body for non-medical purposes; body piercing includes ear piercing, except when the ear piercing procedure is performed on the ear lobe with an ear piercing gun using sterile materials.
- (22) **“Body piercing establishment”** means any permanent building or structure on a permanent foundation holding a valid city or county business license, if applicable, and permit from the County Board of Health where body piercing is performed, including any area under the control of the operator.
- (23) **“Business”** means any entity that provides body art services or procedures for compensation.
- (24) **“Cleaning room”** shall mean the area in a body art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art and shall be separated from any other area in the facility by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of eight feet.
- (25) **“Client”** or **“customer”** shall mean an individual upon whom one or more body art activities are to be performed.
- (26) **“Contaminated”** means the presence or the reasonably anticipated presence of blood, other potentially infectious materials, or potentially harmful chemicals on an item or surface.
- (27) **“Contaminated waste”** shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in O.C.G.A.
- (28) **“County”** means the Local County Board of Health or its duly authorized representatives.
- (29) **“Critical item(s)”** means those aspects of operation or conditions which, if in violation, constitute the greatest hazards to health and safety, including imminent health hazards. Critical violations shall include the following:
- (a) autoclave does not meet minimum time, pressure or temperature requirements;
 - (b) lack of a monthly negative spore or microbiological monitoring test for quality control;
 - (c) non-disposable tubes and needles are not sterilized or were sterilized greater than one (1) year ago;
 - (d) work area is not equipped as required or is not stocked;

- (e) reuse of single use articles;
 - (f) sterile instruments are not properly handled;
 - (g) reusable instruments are not handled properly;
 - (h) employees with infectious lesions on hands not restricted from body art procedures;
 - (i) employees not practicing proper cleanliness and good hygienic practices;
 - (j) water supply not approved or hot and cold running water under pressure not available;
 - (k) approved sewage and liquid waste disposal not available or improper disposal of liquid wastes;
 - (l) cross connection allowing back-siphonage present in plumbing system;
 - (m) toilet and hand washing facilities not available for employees;
 - (n) insect and rodent evidence, harborage, or outer opening present;
 - (o) toxic items not properly stored, labeled, or used.
- (30) **“Decontamination”** means the use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.
- (31) **“Department”** means the Local County Board of Health and/or the Office of Environmental Health or any other designee/agent authorized to act on behalf of the Local County Board of Health such as the Georgia Division of Public Health.
- (32) **“Disinfectant”** means a solution registered as a disinfectant by the U.S. Environmental Protection Agency (EPA) and intended to destroy or inactivate specific viruses, bacteria, or fungi on clean, inanimate surfaces.
- (33) **“Disinfection”** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
- (34) **“Ear piercing”** means the puncturing of the outer ear for non-medical purposes.
- (35) **“Easily cleanable”** means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.
- (36) **“Environmental health inspector”** means an official appointed by the Department who is responsible for licensing, permitting, and inspection of body art establishments.
- (37) **“EPA”** means the United States Environmental Protection Agency.
- (38) **“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 establishment.
- (39) **“FDA”** means the United States Food and Drug Administration.
- (40) **“Germicidal solution”** means any solution which destroys microorganisms and is so labeled.

- (41) **“Gloves”** means medical grade disposable single use gloves labeled for surgical or examination purposes.
- (42) **“Guest body artist”** shall mean a visiting body artist possessing a guest body art license issued by the Department to perform body art.
- (43) **“Guest body art license”** means the issuance of a 7 day license by the Department. Such license will allow a person to practice body art in accordance with the Body Art Regulations under the direct supervision of a body artist holding a valid body art license issued by the Department.
- (44) **“Hot water”** means water that attains and maintains a minimum temperature of 110°F.
- (45) **“Imminent health hazard”** means any condition, deficiency, or practice, as discovered by the environmental health inspector which, if not corrected, is very likely to result in disease transmission, injury, or loss of life to any person.
- (46) **“Instruments”** means hand pieces, needles, needle bars, and other instruments that may come in contact with a client’s body or may be exposed to bodily fluids during any body art procedure.
- (47) **“ISO”** means the International Standards Organization.
- (48) **“Jewelry”** means any ornament used in any body art procedure which is inserted into a newly pierced area. Any jewelry shall consist of a material rated by the ASTM or the ISO as being suitable for permanent surgical implant, such as stainless steel, titanium, niobium, solid platinum or a dense low porosity plastic such as Tygon or PTFE. The jewelry must be free of nicks, scratches, or irregular surfaces and must be properly sterilized prior to use. Copies of the jewelry manufacturer’s documentation, which verify compliance with standards, must be available for inspection on request. Solid 14 karat or higher, white or yellow nickel-free gold may also be used. Purity verification must be available for inspection on request.
- (49) **“Lavatory facilities”** means a lavatory providing an adequate supply of potable hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body. The facility shall include a soap dispenser, soap, and single use disposable towels.
- (50) **“Law”** means any applicable provision of the State of Georgia statutes and rules of any department or agency.
- (51) **“License”** shall mean a document issued by the Department pursuant to this Body Art Regulation authorizing an individual to conduct allowed body art procedures.
- (52) **“Microbiological monitoring for quality control”** means the use of a standard spore, to challenge the sterilization process.
- (53) **“Minor”** means an individual under the age of eighteen (18).
- (54) **“NSF”** means the National Sanitation Foundation.
- (55) **“Occupational exposure”** means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee’s activities.
- (56) **“Operator/owner”** means any person, firm, company, corporation or association that owns, controls, operates, conducts, or manages a body art establishment.
- (57) **“OSHA”** means the Federal Occupational Safety and Health Administration.

- (58) **“Other potentially infectious material”** means the following human body fluids: semen, vaginal secretions, saliva, and any other body fluid visibly contaminated with blood.
- (59) **“Parenteral”** means piercing mucous membranes or the skin barrier through such events as needle sticks and piercings.
- (60) **“Permit”** means departmental approval in writing authorizing the administrative body to operate a body art establishment for the purpose of engaging in the practice or business of body art procedures. Departmental approval shall be granted solely for the practice of body art pursuant to these regulations.
- (61) **“Person”** means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.
- (62) **“Personal protective equipment”** means specialized clothing or equipment, such as gloves or lap cloth, worn by an employee for protection against a hazard. General work clothes not intended to function as protection against a hazard are not considered to be personal protective equipment.
- (63) **“Personnel”** means the permit holder, any person who performs body art, individuals having supervisory or management duties, or any other person employed or working in a body art establishment. This individual may or may not be a body artist.
- (64) **“Physician”** or **“osteopath”** means an individual licensed to practice medicine in Georgia.
- (65) **“Pierce”** or **“piercing”** means body piercing (see definition No. 21).
- (66) **“Potable water”** means water that is from an approved water system that is safe for drinking.
- (67) **“Premises”** means the physical location of an establishment which offers and performs body art procedures.
- (68) **“Proof of age”** means a driver’s license or other generally accepted means of identification that describes the individual as eighteen (18) years of age or older, contains a photograph, and appears on its face to be valid.
- (69) **“Registration”** means license or permit as applicable to each entity.
- (70) **“Safe materials”** means articles manufactured for the specific purpose of body art procedures which are unlikely to cause injury or disease under proper use and care.
- (71) **“Sanitary”** means clean and free of agents of infection or disease.
- (72) **“Sanitized”** means the application of a U.S. EPA registered sanitizer on a cleaned surface by a process that provides sufficient concentration of chemicals for enough time to reduce the microorganism level, including pathogens, to a safe level on utensils and equipment in accordance with the label instructions.
- (73) **“Sewage”** means human excreta, all water carried waste, and household wastes from residences, buildings, or commercial and industrial establishments.
- (74) **“Sharps”** means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa.

- (75) “**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.
- (76) “**Single use**” means disposable products or items that are intended for one-time, one-person use and are properly disposed of by appropriate measures after use on each client. Single use items include but are not limited to cotton swabs or balls, single use instruments, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, stencils, ink cups, and protective gloves.
- (77) “**Solid waste**” means refuse, garbage, trash, rubbish, and any other item(s) which could cause an unsanitary condition or undesirable health and safety conditions.
- (78) “**Sterilization**” or “**sterilize**” means the use of a physical or chemical procedure by which all forms of microbial life, including bacteria, viruses, spores, and fungi are destroyed including highly resistant bacterial endospores. This is achieved by holding in an autoclave for fifteen (15) minutes, at fifteen (15) pounds pressure, and at a temperature of two hundred fifty degrees (250° F) Fahrenheit or one hundred twenty-one degrees (121°C) Celsius, or any equivalent procedure resulting in complete destruction of microbial life including spores.
- (79) “**Sterilized indicator**” means a tape, strip, bag, or other device designed to change color to indicate that sterilization temperature has been achieved during the sterilization procedure.
- (80) “**Sterilizer**” means an autoclave certified to meet generally accepted medical standards.
- (81) “**Tattoo**” means to mark or color the skin by pricking in, piercing, or implanting indelible pigments or dyes under the skin.
- (82) “**Tattoo artist**” means a person at least eighteen (18) years of age who engages in the practice/ service of tattooing regardless of the type of tattoo or area to be tattooed.
- (83) “**Tattoo establishment, tattoo parlor, tattoo studio**” means any permanent building or structure on a fixed foundation, holding a valid city or county business license, if applicable, and permit from the County Board of Health, where tattooing is performed, including any area under the control of the operator.
- (84) “**Temporary Body Art Establishment**” shall mean any location, place, facility or business, whereby an operator has been granted a permit to practice body art by the Department for no more than a period of seven consecutive days only for the purpose of product demonstration in connection with conventions or industry trade shows.
- (85) “**Ultrasonic cleaning unit**” means a unit approved by the Department with lid, 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.
- (86) “**Universal precautions**” means treating all blood and body fluids as if they contain blood borne pathogens and taking proper precautions to prevent the spread of any blood borne pathogens. (See Appendix I)
- (87) “**Utensil**” means any implement, tool, or other similar device used in the storage, preparation, operation, or processing of body art.
- (88) “**Violation correction**” means a plan for correcting deficiencies in meeting these rules and regulations of the local Board of Health.

(89) **“Waste”** means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a body art studio.

(90) **“Work area, work station”** means an area where clients receive body art.

V. Administrative Body.

(1) The administrative body shall be responsible for compliance with the requirements in Chapter 31-40 of the Official Code of Georgia Annotated, with applicable administrative rules and regulations of the local County Board of Health, including but not limited to all applicable statutes, rules and regulations regarding disclosure of ownership.

(2) The administrative body shall certify in its application the name(s) and exact duties of employees/artists who have been designated as being responsible for carrying out the rules and policies adopted by the administrative body. The following information shall be included: Social Security Number or valid drivers license, DOB, gender, home address, home/work phone numbers, ID photos of all operators/technicians.

(3) Prior to being granted a permit, each body art studio shall develop a written statement of policies and standard operating procedures including:

- (a) Sterilization
- (b) Employee health
- (c) Sanitizing areas and equipment between clients
- (d) Disposal of waste
- (e) Record keeping
- (f) Client screening
- (g) Aftercare procedures
- (h) Emergency sterilization procedures

(4) Prohibited Facilities

(a) Body art studios shall not be allowed in the same facilities used for human habitation, any food service establishment, retail sales area, hotel room or similar areas. This does not prohibit body art operations in completely separate areas of these or other businesses.

(b) Body art studios shall not be allowed in automobiles, mobile, transitory or other non-fixed facilities. Such non-fixed facilities include, but are not limited to, mobile trailers, tents, and recreational vehicles.

(5) Prohibited Procedures

(a) Implants, 3-D procedures or other procedures involving insertion of foreign objects completely under the skin are prohibited.

(b) Any body art procedures which result in the permanent removal of tissue or requiring medical equipment (ex. scalpels, dermal punches) shall be prohibited, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to perform such procedures.

Administrative Body (cont'd)

(c) It shall be unlawful for any person to pierce the body, with the exception of the ear lobes, of any person under the age of 18 for the purposes of allowing the insertion of earrings, jewelry, or similar objects into the body, unless the body piercing is performed in the presence of the person's parent or legal guardian.

(d) No person under the age of eighteen (18) shall be tattooed, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to do so.

- (6) Body artists shall not be under the influence of alcohol and/or drugs while performing body art procedures.
- (7) Operators shall refuse services to any person who is under the influence of alcohol or drugs.
- (8) A body artist shall not provide service to any person who shows evidence of being mentally incapacitated.
- (9) Live animals shall be excluded from within the body art studio and from adjacent areas within the facility under the control of the permit holder. However, this exclusion does not apply to fish in aquariums. Service animals accompanying disabled persons shall be permitted in the establishment.
- (10) The skin of a body artist shall be free of rash, any lesion or visible sign of infection. A body artist shall not conduct any form of body art activity upon any area of a client that evidences the presence of any rash, lesion or other visible signs of infection.
- (11) No person except a duly licensed physician shall remove or attempt to remove any tattoo.
- (12) Any future body art procedures not covered within these rules which have the potential for transmitting infectious disease must receive written departmental approval prior to being offered to customers or patrons.
- (13) Body art shall only be performed by currently licensed body artist in a permitted body art establishment or temporary facility meeting the requirements of these regulations.

VI. Minimum Standards.

- (1) Each studio where body art procedures are administered shall provide a work area separate from observers or visitors.
- (2) At least one work area shall provide complete privacy for clients by means of doors, nonabsorbent curtains, or similar approved partition.
- (3) A body art establishment shall have a cleaning room to be used exclusively for the cleaning, disinfection, and sterilization of instruments.
 - (a) The cleaning room shall have a separate NSF approved instrument sink or stainless steel instrument sink reserved only for instrument disinfectant activities and shall be equipped with hot and cold running water.

Minimum Standards (cont'd)

- (b) The cleaning room shall be separated from any other area in the facility by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of eight feet.
 - (c) The cleaning room shall be equipped with an ultrasonic cleaning unit and a medical grade autoclave. The autoclave shall be used to sterilize all non-disposable and reusable body art equipment.
 - (d) The cleaning room walls, doors, windows, skylight, and similar closures shall be constructed of smooth, nonabsorbent, durable material and be maintained in good repair.
 - (e) The cleaning room ceiling shall be maintained in good repair allowing for easy and effective cleaning.
- (4) A hand washing sink shall be provided and accessible within 30 feet from any workstation. These are in addition to the required sinks in toilet rooms.
 - (5) Any hand washing sink and instrument sink shall not be used as a janitorial sink.
 - (6) Each location shall have the facilities to properly dispose of all waste material. All materials (e.g., needles) must be disposed of in accordance with Georgia Department of Natural Resources – Environmental Protection Division – Solid Waste Management – Chapter 391-3-4.15.
 - (7) The use of common towels and cloths is prohibited. Hand sinks shall be equipped with a soap dispenser and single use disposable towels.
 - (8) Sanitary Facilities and Controls.
 - (a) Water Supply.
 - 1. Enough potable water for the needs of the body art studio shall be provided from an approved source that is a public water system; or a nonpublic water system that is constructed, maintained and operated according to applicable state or local codes.
 - 2. Water from a public water system shall meet 40 CFR 141 — National Primary Drinking Water Regulations and state drinking water quality standards
 - 3. Water from a nonpublic system shall meet state drinking water quality standards.
 - a) Water from a nonpublic water system shall be sampled and tested at least annually and as required by Department water quality regulations.
 - b) The most recent sample report for the nonpublic water system shall be retained on file in the body art establishment or the report shall be maintained as specified by state water quality regulations.
 - (b) Sewage. All sewage, including liquid water, shall be disposed of by a public sewerage system or by a sewerage disposal system constructed and operated according to law.
 - (c) Plumbing. Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other water supply or other source of contamination.

Minimum Standards (cont'd)

(9) Toilet Facilities.

(a) Toilet installation. Toilet facilities shall be designed, installed, and maintained according to law. Public access to toilet facilities shall not be through cleaning rooms or work areas with the exception that access through such areas will be allowed if the risk of contamination is determined to be minimal.

(b) Toilet rooms. Toilet rooms opening directly into work or client waiting areas shall be completely enclosed and shall have tight-fitting, solid doors, which shall be closed except during cleaning or maintenance.

(c) All toilet rooms shall have sufficient mechanical ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

(d) Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms shall have at least one covered waste receptacle.

(10) Lavatory Facilities.

(a) Lavatory installation. Lavatory facilities shall be designed, installed, and maintained according to law.

(b) Lavatory faucets. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 20 seconds without the need to reactivate the faucet.

(c) Lavatory supplies. A soap dispenser and a supply of antiseptic, hand-cleaning soap or detergent shall be available at each lavatory. A supply of single use sanitary towels shall be conveniently located near each lavatory. Easily cleanable covered waste receptacles shall be conveniently located near the hand washing facilities.

(d) Lavatory maintenance. Lavatories, soap dispensers, paper towel dispensers, and all related fixtures shall be kept clean and in good repair.

(11) Solid Waste.

(a) Containers.

1. Garbage and refuse shall be kept in durable, easily cleaned containers that do not leak and do not absorb liquids. Containers shall be kept in a clean and sound condition and disposed of according to O.C.G.A. 12-8-20.

2. Containers used in work areas shall be kept covered when not in use and after they are filled.

3. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulate.

(b) Garbage and refuse shall be disposed of at such frequency to prevent the development of odor and the attraction of insects, rodents, or vermin.

Minimum Standards (cont'd)

(c) Disposal of infectious waste such as blood, fluids, used inks, or other liquid waste may be deposited directly into a drain connected to a sanitary sewer system. Disposable needles and other sharp items shall be placed intact into puncture-resistant containers with a biohazard label before disposal. Filled sharps containers shall be considered regulated waste and must be disposed of in accordance with Georgia Department of Natural Resources, Environmental Protection Division – Solid Waste Management: Chapter 391-3-4.15.

(d) Waste potentially contaminated with small amounts of blood or other infectious body fluids (e.g., gauze, wipes, disposable lap cloths), which do not meet the definition of regulated waste, shall be double-bagged in sealed, impervious bags to prevent leakage of the contained items. These bags shall be of sufficient strength to prevent breakage or leakage and shall not contain any sharps. The waste bags shall be containerized and disposed of in an approved sanitary landfill.

(12) The premises shall be kept in such condition as to prevent the entrance, harborage, or feeding of insects, rodents, or vermin.

(13) Floors.

Floor construction. Floors and floor coverings of all work areas, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, nonabsorbent, durable material and maintained in good repair. Carpeting is allowed in the lobby area only and shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair.

(14) Walls

(a) Walls must be painted, covered, or sealed in a manner which would allow for easy and effective cleaning.

(b) Attachments.

Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.

(15) Ceilings.

Ceilings shall be maintained in good repair allowing for easy and effective cleaning.

(16) Physical Facilities.

Floors, walls, ceilings, and attached equipment and decorative materials shall be kept clean and maintained in good repair.

(17) Lighting.

(a) Artificial light sources shall be installed to provide at least 50 foot candles of light on all work area surfaces and at equipment washing work levels.

(b) Artificial light sources shall be installed to provide at a distance of 30 inches from the floor at least 10 foot candles of light in all other areas.

(18) Ventilation.

All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

Minimum Standards (cont'd)

(19) Poisonous or Toxic Materials.

- (a) Materials permitted: There shall be present in the body art studio only those poisonous or toxic materials necessary for maintaining the establishment and cleaning or sanitizing equipment, as well as controlling insects and rodents.
- (b) Labeling of materials: Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents. A written policy for a color coding system may be acceptable with prior approval.
- (c) Toxic items shall be separated from other forms of materials used in body art procedures.
- (d) Spray bottles containing cleaning solutions may be used for the purpose of cleaning but not while conducting a body art procedure.

(20) Premises.

- (a) Body art establishments shall be kept neat, clean, and free of litter and rubbish.
- (b) Only articles necessary for the operation and maintenance of the body art establishment shall be stored on or within the establishment.

(21) Animals: If applicable, all fish aquariums shall be cleaned and maintained in good repair. Reptiles are prohibited due to the possibility of *Salmonella* and other infectious microbes.

(22) Equipment and Utensils.

(a) Materials.

1. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; they shall be corrosion resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials.
2. Re-use of single service articles is prohibited.

(b) Design and Fabrication.

1. General: All equipment and utensils, including plastic ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping.

- a) Body art operational surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, as well as free of difficult to clean internal corners and crevices.

- b) Sinks and drain boards shall be self-draining.

2. Operational surfaces: Surfaces of equipment not intended as operational surfaces, but which are exposed to splash or debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices and readily accessible for cleaning. Such surfaces shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.

Minimum Standards (cont'd)

3. Needles, needle bars, and pigments shall be designed and manufactured for the sole purpose of body art.

(23) Aisles and working spaces: Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of equipment or of operational surfaces by clothing or personal contact.

(24) Minimum supplies of establishment: Each work station is to be equipped or stocked in the following manner:

(a) Body Tattooing Establishments:

- a minimum of six (6) sterilized needles (with bars), and six (6) sterilized needle tubes;

Body Piercing Establishments:

- A minimum of six (6) sterilized needles, six (6) sterilized needle tubes, six (6) sterilized forceps, and six (6) sterilized hemostats/sponge clamps.

(b) A minimum of four extra packages of disposable towels other than the package that is being used;

(c) A minimum of three extra boxes of medical grade disposable gloves other than the box being used;

(d) An extra supply of bandages, ointment or gel, and antimicrobial soap.

(25) Temporary facilities shall meet the requirements of these regulations. Additional requirements include:

(a) Hand washing facilities located within each work or demonstration area.

(b) Hand washing facilities shall consist of liquid antimicrobial hand soap, single use paper towels and warm potable water dispensed from an insulated container that contains at least 5 gallons of potable water with a spigot that is raised a minimum of 25 inches off the floor.

(c) Waste water, which can be covered, shall be collected in a bucket that will hold at least 5 gallons of waste water placed on the floor under the spigot. Warm potable water shall be replenished and wastewater removed as necessary to the sanitary sewer system, or, in the absence thereof, in a manner approved by the Department.

(d) Only single use disposable sterilized supplies can be used.

VII. Furnishings and Fixtures.

(1) Furnishings of the body art studio shall be maintained in good condition, intact, and functional. Furnishings should be made of or covered in a material that is easily cleanable and non-absorbent. The studio shall be kept clean, neat, and free of litter and rubbish.

(2) Cabinets and closed sealable containers for the storage of instruments, pigments, single use articles (ex., gloves, ink caps, carbon, stencils, etc.) shall be provided for each body artist and shall be maintained in a sanitary manner which protects them from contamination.

Furnishings and Fixtures (cont'd)

- (3) Work tables and chairs shall be provided for each body artist.
 - (a) All exposed surfaces of all worktables and chairs shall be constructed of material, which is smooth, nonabsorbent, corrosive resistant, and easily sanitized.
 - (b) All exposed surfaces of work tables and chairs shall be sanitized with an antimicrobial solution after each application.

VIII. Supplies.

- (1) Bulk single use articles shall be commercially packaged and handled to protect them from contamination. These articles shall be stored in an area separate from the work area and toilet facilities.
- (2) All materials applied to the human skin shall be from single use containers and shall be disposed of after each use.

IX. Sanitation.

- (1) With the exception of a plain ring such as a wedding band, body artist jewelry such as watches, rings, etc., should be removed prior to the start of the body art procedure.
- (2) Prior to the start of the body art procedure, the artist should 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. Trim fingernails to insure that gloves are not punctured. Recent tattoos or piercings in the healing process shall also be properly covered as to prevent any bodily fluid transfer.
- (3) Use aseptic technique. Thorough hand washing is essential after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.
- (4) Before performing body art procedures, the artist must thoroughly wash their hands in hot, running water with antibacterial soap, then rinse hands and dry with disposable paper towels. Use of hand sanitizers is recommended after each hand washing. Hand washing shall be done as often as necessary to remove contaminants.
- (5) Medical grade single use disposable latex or approved non-latex examination gloves shall be worn during the body art procedure. Gloves shall be changed and properly disposed of each time there is an interruption in the body art procedure, the gloves become torn or punctured, or whenever their ability to function is compromised. Under no circumstances shall a single pair of gloves be used on more than one individual.
- (6) A body artist shall maintain the highest degree of personal cleanliness, conform to standard hygienic practices, and wear clean clothes when performing body art procedures. Single use aprons, smocks, or sleeve covers are acceptable. Open-toed shoes shall not be permissible.
- (7) The skin of the artist shall be free of rash or infection. No artist affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that the individual could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- (8) Only single use disposable razors shall be used to shave the area receiving body art.

Sanitation (cont'd)

- (9) 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.
- (10) Universal precautions, as defined in these rules, shall be observed to prevent contact with blood or other potentially infectious materials. All employees shall be trained in universal precautions.
 - (a) Assume all human blood, plasma, serum, body fluids (semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood) and tissues to be contaminated with Human Immunodeficiency Virus (HIV) and/or Hepatitis viruses (e.g., HBV, HCV).
 - (b) The most susceptible route of occupational infection for HIV, HBV, and HCV is by accidental needle sticks, but may include contamination of the mucous membranes, or through broken, abraded, or irritated skin. Use appropriate caution and maximum protection to prevent such contact.
 - (c) Proper decontamination procedures, emergency biohazard spill management, and proper use of biosafety equipment shall be utilized.
 - (d) Use aseptic technique. Thorough hand washing is essential after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.
 - (e) All regulated wastes shall be disposed of in labeled, manufacturer's color-coded waste containers.
 - (f) Infectious material spills shall be cleaned using an EPA registered disinfectant and universal precautions.
 - (g) Clean all work areas and equipment used in handling human biohazardous materials with an EPA registered disinfectant when concluding work to protect personnel from accidental infection.
 - (h) Eating, use of tobacco products, applying cosmetics or lip balm are not permitted in the work area. Drinking will be allowed only when a single service cup that has a secure lid and straw is used in a way as to prevent the contamination of the artist's hands.
 - (i) All procedures shall be performed carefully to minimize the creation of aerosols.
 - (j) Employees shall report all work related accidents, incidents, and unexplained illness to your supervisor and/or physician immediately.
 - (k) Soiled gloves shall be removed in a manner to minimize the risk of self contamination or cross contamination after each operation and prior to contacting work surfaces, door knobs, wall switches, or telephones. Dispose of used gloves in a bagged trash container.
 - (l) Food storage cabinets or refrigerators shall be located outside the work area.

X. Sterilization.

- (1) An ultrasonic cleaning unit and operational medical grade autoclave shall be provided in each body art studio.

Sterilization (cont'd)

- (2) Ultrasonic cleaning units shall be clearly labeled "biohazardous" and placed away from the autoclave and workstations and shall be operated in accordance with the manufacturer's recommendation.
- (3) The ultrasonic cleaning unit and medical grade autoclave shall be used and maintained according to manufacturer's specifications. Each ultrasonic cleaning unit and medical grade autoclave shall be emptied and thoroughly cleaned and disinfected per manufacturer's recommendations.
- (4) Used non-disposable instruments shall be kept in a separate puncture resistant container until cleaned. The cleaning method shall include the following:
 - (a) Instruments should be pre-scrubbed prior to being placed into an ultrasonic cleaning unit.
 - (b) After removal from the ultrasonic cleaning unit, instruments should then be brush scrubbed in hot water and soap, then rinsed in clean water.
 - (c) Instruments shall then be packed individually in sterilized packs and sterilized in a medical grade autoclave. All sterilized packs shall contain either a sterilized indicator or internal temperature indicator.
 - (d) Prior to being placed in the autoclave all equipment shall be bagged, labeled, initialed, dated and sealed.
 - (e) Each autoclave bag must be used in accordance with the manufacturer's recommendations and may hold no more than one individual item (ex. one tube or needle bar). A piercing set may be bagged together.
- (5) After sterilization, the packaged instruments shall be stored in a clean dry cabinet or other tightly covered container reserved and labeled for storage of sterile instruments.
- (6) If a sterilized package has been breached or allowed to get wet, the instrument(s) must be re-packaged and sterilized again before use.
- (7) Spore indicators shall be used a minimum of at least once a month and the results must be kept on-site for a minimum of two years. An independent commercial testing laboratory contracted by the operator/ body artist or both shall perform monthly biological spore testing of the autoclave. A provision shall be included in the contract between the operator or body artist (or both) with the commercial testing laboratory requiring the commercial testing facility to notify the Department of any failure of the autoclave to eradicate all living organisms, including spores.
- (8) Upon notification of a positive microbiological monitoring report, the sterilizer shall be immediately checked for proper use and function and the operator shall cease use of the sterilizer immediately upon receipt of the positive report. Three consecutive negative biological tests must be achieved before the studio is reopened. The studio shall have the option to obtain a properly functioning sterilizer with a negative biological report in order to remain open or if the studio has more than one autoclave in operation they may be given approval to remain open. The Department will consider the body art studio's emergency plan should autoclave failure or malfunction occur.

XI. Pigments.

- (1) All pigments used in tattooing shall be from commercial professional suppliers specifically manufactured as pigments only for the tattooing of human skin.

Pigments (cont'd)

- (2) In preparing or mixing pigments, only nontoxic materials shall be used. Pigments shall be mixed and placed in individual single use containers.
- (3) After tattooing, the remaining unused pigment in the single use container(s) shall be properly discarded along with the container(s).

XII. Tattoo Preparation.

- (1) Medical grade disposable gloves shall be worn during the preparation of equipment and during the tattoo procedure.
- (2) Only a commercially packaged single use pre-sterilized needle assembly with bar shall be used and disposed of immediately after use into a puncture proof disposable biohazard container.
- (3) Sterilized instruments shall remain in sterile packages until opened in front of the client.
- (4) Any part of a tattooing machine that may be touched by the body artist during the procedure shall be covered with a disposable plastic sheath that is discarded after each procedure and the machine shall be disinfected.
- (5) A clip cord sleeve and barrier film shall be used over exposed electrical cords or other cleaning and disinfection methods demonstrated to prevent contamination.
- (6) All devices used to apply pigments must be designed and used to prevent backflow of pigments into the machine.
- (7) Single use towels or gauze shall be used in preparing the site to be tattooed and shall be disposed of after use on each patron or client.
- (8) If shaving is necessary, single use disposable razors shall be used.
- (9) After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be thoroughly cleaned and germicidal solution applied in a sanitary manner before each placement of design on the skin.
- (10) When a workstation rinse cup is used alone, the cup and solution shall be disposable and discarded after each client.
- (11) If squirt/spray bottles are used to dispense liquids, the liquid shall be applied onto a single use wipe rather than directly onto the client.
- (12) Single use ointment tubes, applicators, and supplies shall be discarded after each tattoo application.
- (13) When a paper stencil is used by a tattoo artist for transferring the design to the skin, it shall be single use and disposable. The use of roll-on or stick deodorants for tattoo site preparation is prohibited.
- (14) The stencil shall be applied with antimicrobial soap or a departmental-approved product dispensed from a container in a manner that does not contaminate the unused portion.
- (15) When the design is drawn directly onto the skin, pre-sterilized, single use non-toxic pens or markers shall be used and discarded after each use.

XIII. Piercing Jewelry.

- (1) Client and body piercer should have appropriate size and quality jewelry chosen before the procedure begins. Random jewelry shall not be used for the initial piercing.
- (2) Jewelry used in piercing shall consist of a material rated by the ASTM or the ISO as being suitable for permanent surgical implant, such as stainless steel, titanium, niobium, solid platinum or a 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. Solid 14 karat or higher, white or yellow nickel-free gold may also be used. Purity verification must be available for inspection on request.
- (3) The jewelry must be free of nicks, scratches, or irregular surfaces and must be properly sterilized prior to use.
- (4) All jewelry shall be sterilized in a medical grade autoclave, stored in sterile indicator bags, sealed and dated.
- (5) Ear studs or other jewelry designed for earlobe piercing are not appropriate jewelry for other body parts and must not be used by body piercers.

XIV. Body Piercing Preparation:

- (1) Medical grade disposable gloves shall be worn during the preparation of equipment for a body art procedure and during the procedure.
- (2) Only a commercially packaged single use pre-sterilized piercing needle shall be used and disposed of immediately after use into a puncture proof disposable biohazard container.
- (3) Pre-sterilize all forceps, hemostats, calipers, and tubes in sealed, properly labeled, sterile indicator bags. These items are to be used on one person, in one sitting. After one such use, they must be cleaned in an ultrasonic cleaner, placed in sealed indicator bags, properly labeled, autoclaved and stored in sterile indicator bags.
- (4) Sterilized instruments shall remain in sterile packages until opened in front of the client.
- (5) Single use towels or gauze shall be used in preparing the piercing site and shall be disposed of after use on each patron or client.
- (6) After shaving the area to be pierced, or if the area does not need to be shaved, the piercing site shall be thoroughly cleaned and germicidal solution applied in a sanitary manner before beginning the procedure.
- (7) In the case of oral piercings, the operator shall provide the individual with antiseptic mouthwash in a single use cup and shall ensure that the individual utilizes the mouthwash provided. In the case of a lip, labret, or cheek piercing, procedures described in this section for both skin and oral piercings shall be followed.

XV. After Body Art Application.

- (1) The completed tattoo shall be washed with a single use towel saturated with an antimicrobial solution.
- (2) After the area has dried, apply a layer of antibacterial ointment or other approved product from a single use packet, collapsible plastic tube, or applied from a bulk container in a sanitary manner using a single use dispenser.
- (3) A bandage or dressing shall then be applied to the tattoo using a sealed non-sticking pad or wrap.
- (4) Verbal and written instructions, approved by the Department for the care of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions shall advise the client to consult a physician at the first sign of infection and contain the name, address and phone number of the establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records.
- (5) The facility shall also post in public view the name, address and phone number of the local County Health Department and the procedure for filing a complaint. A copy of the notice for filing a complaint shall be included in the establishment application packet.

XVI. Disinfection of Workplace.

- (1) Each body art studio must be kept clean and sanitary. The owner must develop and implement a written cleaning schedule that includes appropriate methods of decontamination and tasks or procedures to be performed.
- (2) This written schedule must be based on the location within the studio, the type of surfaces to be cleaned, type of possible contamination present, the tasks or procedures to be performed, and their location within the studio.
- (3) The following procedures should be adhered to:
 - (a) Clean and sanitize all equipment and work surfaces with an appropriate EPA registered disinfectant after completion of the body art procedures and at the end of the work shift when surfaces have become contaminated since the last cleaning.
 - (b) Remove and replace protective coverings such as plastic wrap and aluminum foil after each body art procedure.
 - (c) Inspect and decontaminate, on a daily basis, reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated. When contamination is visible, clean and decontaminate receptacles immediately.

XVII. Disposal of Waste.

- (1) Needles or other sharp instruments used during body art procedures shall be placed in puncture resistant, closed containers immediately after use.
- (2) Used needles shall not be purposely bent or broken, or otherwise manipulated by hand.

Disposal of Waste (cont'd)

- (3) Containers of sharp waste shall be sent to a facility where they are either incinerated, rendered non-hazardous, or deposited in a landfill approved to accept biomedical waste in compliance with Georgia Department of Natural Resources – Environmental Protection Division – Solid Waste Management – Chapter 391-3-4.15.
- (4) Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in a sealed bag. It must then be disposed of in compliance with Georgia Department of Natural Resources – Environmental Protection Division – Solid Waste Management – Chapter 391-3-4.15.
- (5) Waste containers shall be kept closed when not in use.
- (6) Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.
- (7) 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 or more often if necessary. All refuse containers shall be covered and maintained.
- (8) Solid waste shall not be stored outdoors unless in a secured and lidded dumpster, or comply with County/City Solid Waste Ordinances.

XVIII. Personnel

- (1) Persons performing the body art operation shall successfully complete a departmental exam, and obtain current certification in Red Cross Basic First Aid/CPR or equivalent and proof of successful completion of an OSHA approved Blood Borne Pathogen/Universal Precautions training program, approved by the Health Department. Training/courses provided by professional body art organizations/associations or by equipment manufacturers may also be submitted for consideration.
- (2) If the artist is currently in business at the time of application for permit or effective date of the rules, the above certification must be obtained within 90 days from the date the permit is issued.
- (3) The body art establishment operator shall make available, at no cost to the personnel, Hepatitis B vaccination series, as well as any routine booster dose(s) to every person who may have occupational exposure to blood or other potentially infectious material. For new personnel, the vaccine shall be made available within ten (10) business days of initial work assignment.
- (4) Proof shall be provided upon request that all operators have either completed or were offered and declined in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed physician's statement specifying the name of the employee and that the vaccine cannot be given. Personnel who decline to accept the Hepatitis B vaccination series must sign a form indicating their refusal.
- (5) The owner or governing body must maintain a file on all employees who perform body art procedures. Employee files must be kept on location for a minimum of two years even if the employee is terminated. The employee files must be available for inspection and include the following:
 - (a) Report of Hepatitis B Vaccination, Hepatitis B antibody testing, contraindication to Hepatitis B vaccine, or signed Hepatitis B Vaccine declination letter.

Personnel (cont'd)

(b) Evidence of Red Cross Basic First Aid/CPR certification or equivalent and completion of an OSHA approved Blood Borne Pathogen/Universal Precautions training program.

(c) A copy of a Photo I.D.

XIX. Client Files.

- (1) For each client, proper records of identification, body art administered, informed consent, and care instructions shall be kept and retained for a minimum of two (2) years at the studio or pre-approved location.
- (2) Records of each client shall be prepared prior to the body art procedure being performed and shall reflect the client's name and signature, address, proof of age, date procedure performed, design, its location and name of the artist.
- (3) A statement of informed consent by the individual receiving the body art must be maintained on file.
- (4) A statement by the client attesting that he/she is not under the influence of alcohol and/or drugs shall be on file.
- (5) A copy of procedures signed by the client advising them of proper subsequent care of the body art shall be maintained on file.
- (6) A copy of instructions signed by the client informing them of the risks involved and possible complications that might result from the body art procedure must be maintained on file.

XX. Operator / Artist License.

- (1) No person shall practice body art procedures without first obtaining an operator/artist license from the County Health Department.
- (2) An applicant for a body art license must be a minimum of 18 years of age and shall demonstrate to the Department his/her successful compliance with all training, disclosure, consent and educational requirements of this Body Art Regulation prior to the issuance or renewal of a body art license by the Department.
- (3) Application for the operator/artist license shall include:
 - (a) Name
 - (b) Date of Birth
 - (c) Sex
 - (d) Residence address
 - (e) Mailing address
 - (f) Phone number
 - (g) Place(s) of employment as an operator/artist

Operator / Artist License (cont'd)

- (h) Photo I.D.
- (i) Proof of successful completion of a departmental exam, an OSHA approved Blood Borne Pathogen/ Universal Precautions training program and Basic First Aid/CPR class approved by the Department.
- (4) No license will be issued without successfully completing an OSHA approved course in Blood Borne Pathogens/Universal Precautions and Basic First Aid/CPR.
- (5) Individuals seeking body art license shall submit a completed application provided by the Department, pay a set fee determined by the Department, and provide proof of departmental required courses.
- (6) Acting within scope of license: A body artist shall only perform those form(s) of body art that is/are indicated in the body art license application submitted to the Department.
- (7) The operator/artist license shall be valid from the date of issuance and shall automatically expire in (12 months) and must be renewed unless revoked sooner by the Department.
- (8) In order for a body artist license to be renewed, body artist must attend a departmental approved educational class on Blood Borne Pathogens/Universal Precautions every 2 years, maintain current certification in Basic First Aid/CPR, and pay all applicable fees.
- (9) All operator/artist licenses shall be posted in a prominent and conspicuous area where they may be readily observed by clients.
- (11) Guest Body Artist License.
 - (a) The Department may issue one (7-day) license per year to a guest artist. Such guest body art license will allow a person to practice body art under the direct supervision of a body artist holding a valid body art license issued by the Department. The issuance of a guest body art license is conditioned upon the applicant demonstrating the following:
 - 1. The applicant has received training equivalent to the minimum training requirement set by this Body Art Regulation;
 - 2. The applicant shall provide a letter of consent signed by a departmental licensed body artist, a copy of the body art license, and a copy of the body art facility permit where the applicant will practice any body art practices;
 - 3. A set application fee if applicable paid to the Department.
 - (b) No visiting body artist shall practice body art without a guest body art license issued by the Department.
 - (c) Any body artist licensed by the Department requesting to have a visiting body artist perform under his/her supervision shall:
 - 1. Notify the Department in writing in advance of the proposed effective date of the requested guest body art license;
 - 2. Require that the visiting body artist obtain a guest body art license from the Department.

XXI. Application for Permit.

- (1) The administrative body of each body art studio shall submit to the local County Health Department an application for a permit to operate under the rules and regulations. No studio shall be operated and no body art performed without such permit, which is current under these rules and regulations.
- (2) The application for permit shall be made on forms provided by the County Health Department.
- (3) Each application for a permit shall be accompanied by an 8 ½" x 11" or larger page containing a detailed floor drawing to scale of the body art studio. Such drawing shall show the accurate placement of each of the following: windows, doors, room measurements, chairs, tables, sinks, bathrooms, waiting area, and equipment placement for clients and/or staff.
- (4) A listing of the names of all staff including the owner who will be working in the studio shall be included with the application for a permit. This listing shall include the full name of each staff person.
- (5) The ownership of the studio shall be fully disclosed in its application for a permit.
- (6) Zoning and other local requirements regarding proper location and establishment of body art studios shall be addressed by the applicant with the responsible local officials.
- (7) Existing Establishments and personnel.
 - (a) Body art establishments and artists in operation at the date of implementation of the rules and regulations shall make application for a permit within (30) days.
 - (b) The Department may approve up to a (12-month) period from the date of application for compliance of physical facilities of existing establishments; provided, however, that no exemptions will be granted for circumstances presenting an immediate threat to public health such as lack of potable water, toilet facilities, waste disposal, adequate lighting, adequate sinks and lavatories, and universal precautions.
 - (c) Body artists operating at the date of adoption of these rules must be certified in Blood Borne Pathogens/Universal Precautions and Basic First Aid/CPR certification within (90 days) of adoption date.
- (8) Temporary Body Art Facilities
 - (a) A Temporary facility permit and/or license may be issued for Body Art services provided outside of the physical site of a facility registered with the Department for the purpose of product demonstration or in connection with Body Art conventions or industry trade shows.
 - (b) A Temporary Body Art Establishment permit may be obtained by the operator of a body art establishment after submitting an application for a temporary facility. Such application must contain the location, the operating days, hours of operation of the temporary facility, and the plans/description of the temporary facility.
 - (c) Temporary facility permits will not be issued unless:
 1. The applicant is a minimum of 18 years of age and demonstrates to the Department his/her successful compliance with all training, disclosure, consent and educational requirements of this Body Art Regulation.

Application for Permit (cont'd)

2. Application for a permit and/or license for the practitioner and/or temporary facility has been submitted for review by the Department, at least (30 days) prior to the event.
 3. The applicant has paid all required fees set by the Department.
- (d) If the applicant is currently registered with the Department, then only a temporary facility permit is required.
- (e) The following criteria pertain to temporary facilities permitting and licensing:
1. No permit and/or license for a temporary body art establishment may be issued for more than seven (7) consecutive days.
 2. An applicant for a Temporary Body Art Establishment permit and/or license shall not receive more than two consecutive (7-day) permits and/or license during a (30-day) period.
 3. Temporary facility permits and/or licenses shall not be transferable from one place to another or from one person to another.
 4. Temporary facility permits and/or licenses shall be posted in a prominent and conspicuous place so clients can readily observe it.
- (9) Variance Procedures.
- (a) The Department may grant a variance either upon its own motion or upon request of the applicant from the provisions of any rule or regulation in a specific case if it finds that a literal enforcement of such provision will result in unnecessary hardship to the applicant and that such a variance will not be contrary to the public interest, public health and/or health and safety of clients.
- (b) A request for a variance shall be filed by an applicant in writing, setting forth in detail the basis upon which the request is made.
- (c) Within thirty (30) days of filing a request for a variance, the Department shall notify the applicant by certified mail of its approval or in the case of a denial, a hearing date, time and place may be scheduled if the facility appeals the denial and in accordance with OCGA 31-5-2 and 31-5-3 Hearing Procedures.

XXII. Establishment Permit.

- (1) Any person planning to operate a body art establishment shall obtain a written application for a permit on a form provided by the Department through the Local County Health Department prior to operating a body art establishment.
- (2) A new or initial application is required for body art establishments that have not previously been permitted or for instances when ownership changes. To be eligible for a permit the studio must be in compliance with these rules and regulations.
- (3) The local health department shall issue a body art establishment permit:
 - (a) After an inspection of the proposed facility reveals that the facility is in compliance with requirements of these rules, and
 - (b) Upon receiving a completed application with applicable fees.

Establishment Permit (cont'd)

- (4) The permit shall be displayed in a conspicuous place on the premises.
- (5) Permits must be renewed yearly and are not transferable from one studio to another.
- (6) A permit shall no longer be valid and shall be returned to the county when the studio ceases to operate, has moved to another location, the ownership changes, or the permit is suspended or revoked.
- (7) A studio which fails to comply with these rules and regulations shall be subject to the sanctions available to the County Health Department pursuant to O.C.G.A. 31-5 including, but not limited to, denial or revocation of its permit by the County/Department.

XXIII. Inspections.

- (1) The studio and its records shall be available for review and examination by properly identified representatives of the County/Department.
- (2) A copy of the inspection report shall be displayed in a conspicuous place on the premises and also shall be available for public inspection at the appropriate county offices wherein the studio is located.
- (3) Body art establishments shall be inspected at least (twice) each calendar year.
- (4) Environmental Health Inspectors shall complete an OSHA approved Blood Borne Pathogens/Universal Precautions, and Departmental exam.
- (5) Inspection results - Reporting and Scoring.
 - (a) Inspection results for body art establishments shall be recorded on standard departmental forms.
 - (b) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of five (5) points, with minor violations having assigned values of either one (1) or two (2) points.
 - (c) The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).
- (6) Violation Correction.
 - (a) Correction of critical and minor violations shall be within five (5) and ten (10) calendar days, respectively.
 - (b) Upon declaration of an imminent health hazard which cannot be immediately corrected, the local health officer shall issue an order requiring the facility to immediately cease operations until authorized to reopen.
 - (c) In the case of temporary body art facilities, all critical violations shall be corrected within twenty-four (24) hours. If critical violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease operations until authorized to resume by the local health officer or his duly authorized representative. Upon declaration of an imminent health hazard which cannot be immediately corrected, the health officer shall issue an order requiring the facility to immediately cease operations until authorized to reopen.

XXIV. Enforcement and Penalties

- (1) Enforcement of these Rules and Regulations shall be in accordance with O.C.G.A. 31-5, Article 1. The Department shall have the power and authority to suspend or revoke permits for failure to comply with the provisions of this Chapter.
- (2) Each County Board of Health shall have primary responsibility for the enforcement of these Rules and Regulations within its jurisdiction and may include adoption of code by the governing bodies of counties and municipalities for the purpose of enforcement.
- (3) The Department/County Board of Health is empowered to institute appropriate proceedings in a court of competent jurisdiction for the purpose of enjoining violation of any applicable provision of Title 31 of the Official Code of Georgia Annotated, or of the Rules and Regulations.
- (4) No body art studio shall operate without a permit. Failure or refusal to file an application for a permit shall constitute a violation of Chapter 40 of Title 31 of the Official Code of Georgia Annotated. Any person who fails or refuses to file including, but not limited to, an order to cease and desist operating a body art studio shall be subject to an injunction or other penalties from a court of jurisdiction.
- (5) When an application for a permit is denied or the permit previously granted is to be suspended or revoked, the applicant or holder thereof shall be afforded notice and hearing as provided in O.C.G.A. 31-5, Article 1.
- (6) If an application is denied or a permit is suspended or revoked, the applicant or holder of the permit must be notified in writing, specifically stating any and all reasons why the action was taken.
- (7) The purpose of these procedures is to state the minimum actions to be taken to fulfill the obligation of the Department in assuring compliance with the regulations when the continued operation of a body art establishment presents a substantial and imminent health hazard to the public or when a body art establishment is in flagrant or continuing violation of this Chapter.
- (8) Suspension is effective upon service of a written notice thereof, and body art procedures must cease immediately.
- (9) The notice must state the basis for the suspension and advise the permit holder of the right to a preliminary hearing on request within 72 business hours of the Department.
- (10) If requested, the preliminary hearing will be held by an experienced supervisory level employee of the Department not directly involved in the suspension.
- (11) The rules of evidence will not apply, but both the Department and the permit holder may present witnesses, records and argument.
- (12) The hearing official will be authorized immediately to rescind or modify the suspension or to continue the suspension with or without conditions.
- (13) If the suspension is not rescinded, the permit holder will have the right to request an evidentiary hearing. If a hearing is not requested, upon correction of all violations, the owner may request an inspection to reinstate the permit.
- (14) Notice of Hearing. For the purpose of this Chapter a notice of hearing is properly served when delivered in person or by registered or certified mail.

Enforcement and Penalties (cont'd)

- (15) Conditions Warranting Action. The Department may summarily suspend a permit to operate a body art establishment if it determines through inspection, or examination of employees, records, or other means as specified in this Chapter, that an imminent health hazard exists.
- (16) Resumption of Operations. If operations of a body art establishment are discontinued due to the existence of an imminent health hazard or otherwise according to law, the permit holder shall obtain approval from the Department before resuming operations.

XXV. Severability.

If any provision or subpart thereof contained in this Body Art Regulation is found to be invalid, unconstitutional, or in conflict with O.C.G.A. or a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

Appendix

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 Immune-deficiency Virus (HIV) and Hepatitis B Virus (HBV) 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 Immune Deficiency 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, HCV, 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.

Effective Date:

These Rules and Regulations shall become effective on **December 31, 2010.**

Adopted by the County Board of Health on _____.

Notice of public hearing published on _____.

Public Hearing was held on _____.

References:

Rules of the Georgia Department of Human Resources, Public Health, Chapter 290-31-40, Tattoo Studios and Artists, circa 1999.

Ordinance of the Dekalb County, Georgia Board of Health to Regulate the Body Craft Industry, 2005

Ordinance of the North Georgia Health District, 1-2, Georgia Board of Health to Regulate the Body Craft Industry, 2009

Rules of Tennessee Department of Health, Bureau of Health Services, Chapter 1200-23-6, Body Piercing, circa 2002

Rules of Tennessee Department of Health, Bureau of Health Services, Chapter 1200-23-3, Tattoo Artist and Tattoo Establishment, circa 2000

Jewelry Standards, The Association of Professional Piercers (www.safepiercing.org/standards), April 20, 2007

Boston Public Health Commission, Body Art Regulations, circa 2001

Texas Department of State Health Services, Licensing of Tattoo and Certain Body Piercing Studios, 25 Texas Administrative Code, § 229.401-229.413, circa 2005

Department of Environmental Health Solid Waste/Medical Waste Program, Santa Clara, CA; Body Art & Lower Ear Piercing, January 15, 2008