



County of San Diego

Department of Environmental Health Food and Housing Division



AB 1168 SAFE BODY ART ACT AMENDMENT OVERVIEW

Chapter 7 (commencing with Section 119300) was added to the Health and Safety Code (H&SC) to implement standards for safe body art practices including tattooing, branding, permanent cosmetics and body piercing, going into effect July of 2012. This law was amended October of 2013, going into effect January 1, 2014. Below are just some of the highlights of these changes.

HIGHLIGHTS OF THE 2013 AMENDMENTS TO THE STATE LAW

Informed Consent Requirement.

- 1) Adds a notification that tattoo inks have not been approved by the federal Food and Drug Administration and have unknown health consequences. This language is to be added to the currently required informed consent.

Standards for Practitioners.

- 1) Requires practitioners, when covering a procedure site at the completion of a procedure, to use a sterile dressing.
- 2) Adds single-use marking pens to the materials allowed to be used when measuring a body piercing site.

Standards for Facilities.

- 1) Prohibits a body art facility from allowing a practitioner to perform body art procedures at the facility without a valid practitioner registration.
- 2) Requires a body art facility to notify the local environmental health agency (LEHA) in writing within 30 days of the resignation, termination, or new hire of a body art practitioner.
- 3) Requires all sinks in procedure areas of body art facilities to be permanently plumbed and meet local building and plumbing codes by July 14, 2014. This is more of a clarification to the previous code.
- 4) Requires counter surfaces and service trays in procedure areas of body art facilities to have a smooth, durable, and nonabsorbent finish.
- 5) Removes a requirement for liquid soap to be wall mounted in decontamination and sterilization areas although it must still be available. It also removes a requirement for a sharps waste container to be available in the decontamination and sterilization area.
- 6) Clarifies that sharps waste can be disposed of by a licensed waste hauler, with materials disposed of at a licensed treatment facility or removed and transported through a mail-back system authorized by the California Department of Public Health.
- 7) Requires facilities to maintain documentation of proper disposal of sharps waste for three years and make documentation available for inspection by an enforcement officer.
- 8) Clarifies that clean instruments are not required to be placed in sterilization packaging if the instruments are being processed for immediate use and that sterilization packaging does not need to be labeled with the name of the instrument if the instrument is immediately identifiable.
- 9) Requires sterilization cycle logs and biological indicator monitoring test results to be kept onsite for three years.
- 10) Requires a body art facility that uses purchased disposable, single-use, pre-sterilized instruments to retain written proof on company or laboratory letterhead showing that the pre-sterilized instruments have undergone a sterilization process, as specified.

Mobile Body Art Facilities. Replaces previous language under 119316 with:

- 1) Shall meet all applicable requirements from Article 1 to Article 4 and Article 6 within the law.
- 2) A fixed hand wash sink must be in the procedure area for the exclusive use of the practitioner that meets requirements related to availability of liquid soap, paper towels, pressurized water supply, warm water, and minimum size.
- 3) Counter surfaces and service trays must have a smooth, durable, and nonabsorbent finish.
- 4) A facility must have a waste water tank at least 1.5 times the size of the potable water tank.
- 5) All body art procedures must be completed inside the mobile facility with doors and windows closed during the procedure unless the doors and windows are covered by a 16 mesh per square inch screen or better.
- 6) Only purchased disposable, single-use, pre-sterilized instruments may be used in a mobile body art facility.
- 7) A mobile body art facility must be within 200 feet of an accessible restroom, must be used exclusively for performing body art, and must not be used as a living space or residence.

Temporary Body Art Events and Demonstration Booths.

- 1) Requires temporary demonstration booths to have floor space of at least 50 square feet for each practitioner.
- 2) The hand washing holding tank for wastewater must be evacuated frequently to provide uninterrupted use, or as determined by the local enforcement agency, rather than after every four procedures or every four hours.
- 3) Requires a hand wash area for every two demonstration booths, with a commercial hand wash station meeting standards related to separation from the public, containerized liquid soap, single-use paper towels, potable water storage, and trash receptacles.
- 4) Requires temporary demonstration booths to have smooth, cleanable flooring.
- 5) Prohibits food, drink, or tobacco products in the demonstration booth.
- 6) Requires the sponsor of a temporary body art event to submit a complete temporary event permit application to the local enforcement agency at least 30 days prior to the event.
- 7) Requires the sponsor of a temporary body art event to ensure that every person performing body art procedures at the event has a valid body art practitioner registration.
- 8) Makes the sponsor of a temporary body art event responsible for ensuring the availability of demonstration booths that meet specified requirements for practitioners and vendors.
- 9) Makes the sponsor of a temporary body art event responsible for ensuring the availability of waste water removal and potable water recharge for hand wash areas, as specified.
- 10) Requires the sponsor of a temporary body art event to ensure the availability for purchase of all forms and documents required to perform body art, including client consent forms, medical history forms, aftercare instructions, and single-use instrument logs.

Enforcement.

- 1) Expands authority for inspectors to impound instruments to include those used in an unapproved manner, or used in an unapproved location.
- 2) Clarifies that performing body art at an unpermitted location is also misdemeanor. This is added to language that states that performing body art without being registered or without a valid health permit is a misdemeanor.

For more information about our program or about the Safe Body Art Act, please see the Department of Environmental Health website at: www.sdcountybodyart.org