



**County of San Diego**  
**Department of Environmental Health**  
**Food and Housing Division**



**AB 300 SAFE BODY ART ACT**  
**OVERVIEW**

Chapter 7 (commencing with Section 119300) is 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. The new law will require all body art facilities to have a health permit and an “Infection Prevention & Control Plan” available. All practitioners will need to annually register with the Department of Environmental Health and complete Bloodborne Pathogen Training.

<b>KEY FACTS &amp; DEFINITIONS</b>
<p><b>The Department of Environmental Health (DEH)</b> will be the regulatory authority for the Safe Body Art Act (SBAA) in all cities and unincorporated areas.</p>
<p><b>Body Art</b> now also including <b>Body piercing and Branding</b> in addition to tattooing and the application of permanent cosmetics.</p>
<p><b>Body piercing</b>            The creation of an opening in a human body for the purpose of inserting jewelry or other decoration. “Body piercing” includes, but is not limited to, the piercing of an ear, including the tragus, lip, tongue, nose, or eyebrow. “Body piercing” does not include the piercing of an ear, except for the tragus, with a disposable, single-use, pre-sterilized stud and clasp or solid needle that is applied using a mechanical device to force the needle or stud through the ear.</p>
<p><b>Branding</b>            Process in which a mark or marks are burned into human skin tissue with a hot iron or other instrument, with the intention of leaving a permanent scar.</p>
<p><b>Body art facility</b>            The specified building, section of a building, or vehicle in which a practitioner performs body art, including reception areas, the procedure area, and the decontamination and sterilization area. All body art facilities will require a Health Permit.</p>
<p><b>Decontamination and sterilization area</b>            A room or specific section of a room, which is set apart and used, only to decontaminate and sterilize instruments, is now needed.</p>
<p><b>Procedure area</b>            A room or designated portion of a room, which is set apart and only used to perform body art. Includes the workstation where a practitioner performs body art.</p>
<p><b>Body Art Practitioner</b>            The term used for those who perform body art on a client.</p>
<p><b>Practitioner Registration</b>            A person shall not perform body art if he or she is not <b>annually</b> registered with DEH.</p>
<p><b>Registration Requirements</b>            The applicant shall provide all of the following:            (1) Evidence of current hepatitis B vaccination, including applicable boosters, unless the practitioner can demonstrate hepatitis B immunity or has complied with current federal OSHA hepatitis B vaccination declination requirements.            (2) Evidence of completion of OSHA Bloodborne Pathogen Training consistent with Section 119307 and pursuant to paragraph (2) of subdivision (g) of Section 5193 of Title 8 of the California Code of Regulations or its successor.            (3) Proof that he or she is 18 years of age or older.</p>

- (4) Self-certification of, knowledge of, and commitment to meet state law and relevant local regulations pertaining to body art safety. (DEH may administer knowledge test)
- (5) For first-time registrants, documentation evidencing a minimum of six months of related experience. DEH will require documentation that includes, but is not limited to, dates, type, and location of work, and the name and contact information of the registrant's supervisor or supervisors.
- (6) His or her business address and the address at which he or she will perform any activity regulated by this chapter.
- (7) Payment of a registration fee.

**Bloodborne Pathogens Exposure Control Training program**

An owner of a Body Art Facility shall ensure Bloodborne Pathogens Exposure Control Training for all employees, contractors, and volunteers who perform duties within the decontamination and sterilization area or procedure area. Complete a minimum of two hours of Bloodborne Pathogens Exposure Control Training update presented by a qualified trainer annually.

**Infection Prevention and Control Plan**

All body art facilities shall maintain and follow a written Infection Prevention and Control Plan, provided by the owner or established by the practitioners. The plan shall be presented initially at the time of application for a Health Permit and kept on site for review and updated as needed.

The Infection Prevention and Control Plan shall include:

- (1) Procedures for decontaminating and disinfecting environmental surfaces.
- (2) Procedures for decontaminating, packaging, sterilizing, and storing reusable instruments.
- (3) Procedures for protecting clean instruments and sterile instrument packs from exposure to dust and moisture during storage.
- (4) A set up and tear down procedure for any form of body art performed at the body art facility.
- (5) Techniques to prevent the contamination of instruments or the procedure site during the performance of body art.
- (6) Procedures for safe handling and disposal of sharps waste.

**Sterilization Log**

A written log of each sterilization cycle shall be retained on site for two years.

**Temporary Body Art Facilities**

A practitioner may, in the local jurisdiction of registration, practice in a temporary demonstration booth at a body art event for no more than seven days in a 90-day period

**Temporary Body Art Sponsor**

"Sponsor" means an individual or business entity, including an event coordinator or manager, responsible for the organization of a convention, trade show, or other temporary event that includes a body art demonstration booth. A sponsor may also be a body art practitioner.

**Mechanical Stud and Clasp Ear Piercing**

The piercing of the ear with a mechanical stud and clasp device does not constitute body art but the SBAA states the area within a facility where mechanical stud and clasp ear piercing is conducted shall be safe and sanitary and shall not constitute a threat to the public health and safety. Procedural conditions including that a single-use, presterilized, stud and clasp only is used are found in the SBAA.

**Mechanical Stud and Clasp Ear Piercing Notification**

The SBAA allows a facility that provides mechanical stud and clasp ear piercing services to submit a notification form and fee to DEH.

The form shall include all of the following information:

- (1) The address of all facilities within the jurisdiction where mechanical stud and clasp ear piercing will be performed.
- (2) A statement that the mechanical stud and clasp ear piercing will be conducted in compliance with the requirements of SBAA.
- (3) The contact information for the person responsible for compliance who may be contacted regarding public complaints.