

Summary of the Safe Body Art Act

The Safe Body Art Act

The Safe Body Art Act is a chapter of the California Health and Safety Code that is intended to protect both the practitioner and the client from the transmission of infectious diseases through statewide standards for persons who perform tattooing, body piercing, branding and the application of permanent cosmetics (body art practitioners). The Department of Environmental Health (DEH) is the local enforcement agency charged with implementing the Safe Body Art Act in the County of San Diego.

Body Art Practitioners Registration

All persons who perform body art are required to register with the local enforcement agency. To register in the County of San Diego, submit a Body Art Practitioner Registration Application along with the following:

- Valid government issued photo identification indicating practitioner is 18 years of age or older (i.e. Driver's License or State Identification Card).
- Proof of completion of a County-approved Blood Borne Pathogens Exposure Control Training.
- Certificate of Hepatitis B vaccination, evidence of immunity, or a vaccination declination statement.

Registration renewals forms will be mailed annually to Body Art Practitioners.

Body Art Facility Environmental Health Permit

General Facility Permit Requirements:

- Walls and floors that are smooth, washable and free of holes.
- Facility maintained clean, free of insects and rodents.
- A current Infection Prevention and Control Plan (see sidebar on 2nd page).
- Procedures for removal of all sharps waste that are carried out in accordance with the approved Infection Prevention Control Plan
- Waste containers with liners in procedure area and decontamination area.
- Properly labeled sharps containers within arm's reach of the practitioners in the procedure area.

Procedure Areas must be equipped with:

- Adequate lighting
- A hand washing sink with hot and cold water, liquid soap, and single-use towels in a touchless dispenser.

Decontamination Areas:

- Must be separated from procedure areas by at least 5 feet or by a cleanable barrier.
- Equipped with a sink with hot and cold water for cleaning and disinfecting equipment.
- Equipped with an autoclave manufactured for sterilization of medical instruments that is operable and available for use. A commercial biological indicator monitoring system must be used to test autoclave upon initial installation, after repair, and at least monthly

These requirements don't apply when only using disposable, single-use, pre-sterilized instruments

Age Restrictions on Clients

Clients must be at least 18 years of age to receive a tattoo, permanent cosmetics, piercing of the nipples or genitals or a brand regardless of parental consent. Persons under the age of 18 may receive a body piercing, other than the nipples or genitals, if performed in the presence of their parent or guardian.

DEH HEADQUARTERS

Kearny Mesa area
5500 Overland Ave., Suite 170
San Diego, CA 92123
Open Monday- Friday, 8:00 AM-4:30 PM



Definition of Body Art

Body art includes tattooing, permanent cosmetics, branding, and body piercing, *except* piercing of the ear with a mechanical device using a disposable, single-use, pre-sterilized stud and clasp or solid needle.

Plan Check Requirements

Body Art Facilities constructed after July 1, 2012, must receive approval prior to operating and must submit for approval:

- Construction plans
- A copy of the IPCP
- Application
- Plan check fees

After construction, the operator must request an inspection of the facility. Upon verification that the facility was constructed according to approved plans and that all general facility permit requirements are met, a Health Permit will be issued.

Registrations From Other Jurisdictions within California

Body Art practitioners currently registered with another California enforcement agency may operate as a guest artist in a San Diego County Body Art facility or temporary Body Art event for up to 5 consecutive days but no more than 15 days total each year without registering with the County of San Diego.

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Informed Consent and Health Questionnaire

Clients must read and sign an informed consent form that includes:

- A description of the procedure and what to expect after it is completed
- A statement regarding the permanent nature of Body Art
- Notification that inks have not been approved by the federal Food and Drug Administration and that health consequences of use are unknown.
- Post procedure instructions including care of the procedure site, restrictions on physical activities, sign and symptoms of infection, and when to seek medical care.

Clients must also receive, complete and sign a client health questionnaire to determine if the client is pregnant; has a history of herpes infection at the proposed procedure site, diabetes, allergic reactions to latex or antibiotics, hemophilia or other bleeding disorder, or cardiac valve disease; has a history of medication use, including prescribed antibiotics prior to dental or surgical procedures; or has other risk factors for blood borne pathogen exposure.

Basic Requirements for the Safe Performance of Body Art

- Wash and dry hands before beginning a procedure.
- Put on a clean apron, bib, or lap pad and personal protective equipment appropriate for the task.
- Put on clean, unused, disposable exam gloves just prior to the procedure and wear the gloves throughout the procedure. Wash hands and change gloves if contact occurs with surfaces other than the client's skin or instruments used in the procedure or if glove is punctured or torn.
- Use a single-use razor to shave client and dispose of the entire razor in the sharps container (do not break off handle).
- Only single-use needles and needle bars may be used and must be disposed of in the "sharps" container.
- Any part of a tattooing machine that may be touched by a practitioner during the procedure shall be covered with a disposable plastic sheath that is discarded upon completion of the procedure.
- Instruments other than needles and needle bars that contact skin must be either single-use or be washed, disinfected, packaged, and sterilized after each procedure.
- Jewelry inserted in newly pierced skin must be made of approved materials.
- Only commercially manufactured inks, dyes, and pigments may be used and must be dispensed in a manner to prevent contamination of the storage container and remaining contents.
- After the procedure, instruments must be washed and disinfected; the workstation and procedure area must be decontaminated.
- No food, drink, tobacco product, or personal effects are permitted in the procedure area.

Decontamination and Sterilization Requirements

- Each sterilization load shall be monitored with a Class V indicator (Integrator).
- Sterilization units are to be loaded, operated, decontaminated, and maintained according to manufacturer specifications.
- Sterilization packs must be inspected prior to storage and again prior to use to ensure they have not been compromised in any way.
- A written log of each sterilization cycle including date, contents, exposure time and temperature and the results of the Class V integrator must be retained onsite for at least two years. A sterilization log can be found at www.sdcdeh.org

An Infection Prevention and Control Plan:

- Specifies the procedures to achieve compliance with the Safe Body Art Act
- Must be revised when changes are made in infection prevention practices, procedures, or tasks
- Must include staff training upon initial assignment of task, whenever procedures change and not less than once per year
- Include records of training on the plan for the last three years

An Infection Prevention and Control Plan must include written instructions of the following procedures:

- Decontaminating and disinfecting surfaces
- Decontaminating, packaging, and sterilizing reusable instruments
- Protecting clean equipment and sterile instruments
- Set up and tear down for any form of body art performed at the facility
- Safe handling and disposal of sharps waste
- Preventing contamination of instruments or procedure site during the performance of body art

ENFORCEMENT

Registrations and Permits may be suspended for imminent health hazards or revoked for serious or repeated violations.

Operating without a permit or registration is a misdemeanor, grounds for closure of the facility and may result in a penalty of three times the cost of the permit or registration.

Violations of the Safe Body Art Act are subject to an administrative penalty of \$25-\$1,000.

If you have questions or need additional information, please call the Specialist on duty at (858) 505-6900.