



2020 Main Proposed Changes to Body Art Regulations

New/revise language is highlighted in **RED**. Current Boulder County Public Health Regulations can be found at www.BoulderCountyBodyArt.org.

Current Regulation	Regulation Citation	Proposed Change
DEFINITIONS	1-102	ADDED and REVISED numerous definitions to define acronyms and other terms used throughout the regulations, including:
	Definition: <i>Critical Item Violation</i>	ADD: CRITICAL ITEM VIOLATION means a provision of these Regulations that, if in non-compliance, has the potential for immediate impact on public health by resulting in infection of either clients or staff of a body art establishment or disease transmission among clients or staff of a body art establishment (i.e. immediate health risk; positive spore test), as determined by BCPH.
	Definition: <i>Disinfectant</i>	ADD: BCPH may prohibit the use of any particular disinfectant, as deemed necessary by BCPH in its sole discretion.
	Definition: <i>Gloves</i>	REMOVE: Gloves for instrument cleaning shall be heavy duty, multi-use, and waterproof.
	Definition: <i>Instruments</i>	REVISE TO READ: ...means hand pieces, needles, needle bars, needle tubs, forceps, hemostats, tweezers, pliers, cartridges, drive bars, and grip sleeves or other implements that may come in contact with a client's body or possibly be exposed to bodily fluids during body art procedures.
	Definition: <i>Jewelry</i>	REVISE TO READ: ...any ornament inserted into the body. For initial piercings, the MINIMUM standards for jewelry are adopted from the APP and are as follows: Steel that is ASTM F138 compliant or ISO 5832-1 compliant; ISO 10993-6, 10993-10, and/or 10993-11 compliant; Titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant; ASTM F67 compliant or ASTM F1295 compliant; Solid 14 karat or higher nickel- and cadmium-free yellow, white, or rose gold; Solid nickel-free platinum alloy; Niobium (Nb); Fused quartz glass, lead-free borosilicate, or lead-free soda-lime glass; Polymers (plastics) as follows: Any plastic material that is ISO 10993-6, 10993-10, and/or 10993-11 compliant and/or meets the USP Class VI material classification; Tygon® Medical Surgical Tubing ND 100-65 or ND 100-80, PTFE that is ASTM F754 compliant; all ASTM and ISO implant standard biomaterials. All threaded or press-fit jewelry must have internal tapping (no threads on posts). For body jewelry purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs, polishing compounds, and metals must have a consistent mirror finish.

Current Regulation	Regulation Citation	Proposed Change
DEFINITIONS (continued)	Definition: <i>Mobile Body Art Establishment</i>	REVISE TO READ: ...means a body art establishment that may or may not report to and operate from a permanent body art establishment; is readily moveable; is a motorized or towed, wheeled vehicle; and is designed and equipped for the practice of body art.
	Definition: <i>Piercing</i>	DELETE: ...insertion of jewelry or other adornment in the opening, except that of puncturing the outer perimeter or lobe of the ear with sterilized stud and clasp ear piercing systems. <i>This now means that establishments that only pierce the lower lobe of the ear are NO longer exempt from this regulation.</i>
	Definition: <i>Service Animal</i>	ADD: <i>SERVICE ANIMAL</i> means a dog or other animal that is individually trained to do work or perform tasks for a person with a disability, as the term is defined in Section 36.104 of Title 28, Code of Federal Regulations, as may be amended, pursuant to and in accordance with the ADA. Pursuant to the ADA, emotional support animals do not meet the definition of “service animal.”
	Definition: <i>Sharps</i>	ADD: ...including but not limited to needles, scalpel blades, <i>disposable razors</i> , and razor blades.
Minimum Body Artist Requirements	2-201	ADD: d) <i>Body artists must be at least eighteen (18) years of age. A body artist under the age of 18 years: 1) will be considered an apprentice; 2) require their guardian’s written consent to work; and 3) must, at all times that the apprentice is performing body art procedures on clients, be supervised by a body artist who is over the age of 18 years. Clients must be made aware that the individual performing the body art is an apprentice because they are a minor.</i>
Body Artist/Establishment Contact Requirements	3-302	ADD: d) <i>Email address</i>
Aftercare Instructions	5-504	ADD: d) <i>...including, but not limited to: proper handwashing prior to handling, cleaning, and caring for the procedure site; and instructions on how to clean bed linens and bath towels throughout the healing period.</i>
Facility & Operational Requirements – Sharps and infectious waste	7-718	ADD: c) <i>Sharps containers must not be filled past the rim or be otherwise overflowing. All sharps must be immediately placed in an approved sharps container. Sharps containers should be within an arm’s reach of the body artist, and must be used, maintained, and stored in a manner that avoids possible client or employee exposure.</i>

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Temporary & Mobile Body Art Requirements	8-801	ADD: b) Wastewater must be collected and disposed of in a sanitary manner. It must be drained to a retention tank at least 15% larger than the potable water storage capacity of the unit and must be delivered to the retention tank by means of one of more sinks or other approved plumbing fixtures and a sealed drainpipe. Wastewater must be discharged from the waste retention tank to an approved sewage disposal facility and flushed as often as necessary to maintain sanitary conditions. The potable water tank inlet and wastewater tank outlet must be permanently fitted in a manner to preclude the connection of a potable water hose to the wastewater tank drain or a wastewater drain hose to the potable water tank inlet.
Instrument Cleaning	10-1001	ADD: f) In all rooms where clean instruments will be handled, ultrasonic cleaners must not be operated at any time that the sterile instrument packages are being handled. The operation of ultrasonic cleaners in procedure areas is prohibited.
Instrument Packaging/Wrapping	10-1002	REVISE TO READ: b) All reusable instruments must be cleaned and sterilized after each use in the instrument cleaning room, and the instruments must be: <ol style="list-style-type: none"> 1. Soaked in an enzymatic or other appropriate solution. 2. Scrubbed to remove gross debris. 3. Rinsed and inspected. 4. Processed through an ultrasonic cycle. 5. Rinsed. 6. Dried. 7. Inspected. 8. Sterilized.
		ADD: c) Instruments with hinges, such as hemostats and pliers, must be placed in packages for sterilization in the open position to ensure proper sterilization.
Instrument Sterilization	10-1003	ADD: b) BCPH will not issue a body art license until it has received and approved documentation of the sterilizer's ability to destroy spores.
Single-Use Items	10-1005	ADD: c) For needle cartridge systems with no proof of backflow preventers, the drive bars will be considered single-use and must be discarded between clients.
Prohibitions	11-1101	REVISE TO READ: b) Body art procedures performed on or by any person who is noticeably impaired by drugs or alcohol.
		REVISE TO READ:

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		<p>c) Smoking, vaping, eating, or drinking in the procedure or instrument cleaning areas.</p> <p>REVISE TO READ:</p> <p>e) ...written consent from the minor’s parent or guardian, which must include a copy of a state or federal photo I.D. of the person attesting to their status as custodial parent or legal guardian of the minor client and their signed, written consent to allow the specific body art procedure to be performed on the minor client.</p> <p>ADD:</p> <p>f) Any procedure that must be conducted under the supervision of a physician licensed to practice medicine under Colorado law, as required in the Department of Regulatory Agencies, Colorado Medical Board, Rule 800 – Delegation and Supervision of Medical Services to Unlicensed Health Care Providers Pursuant to C.R.S. §12-36-106(3)(l).</p>
Body Art Procedures	11-1102	<p>REVISE TO READ:</p> <p>a) Thoroughly wash hands with soap and warm water for at least 20 seconds...</p> <p>ADD:</p> <p>c) Use barrier films, when appropriate, to cover all items that gloved hands would normally come into contact with during a body art procedure. These items include, but are not limited to machine heads, clip cords, spray bottles, seat adjustment controls, power control dials or buttons, and work lamps.</p> <p>ADD:</p> <p>f) All sterilized instruments must remain in the sterile packages until opened in front of the client.</p> <p>ADD:</p> <p>h) In the event of bleeding, all products used to stop the flow of blood or to absorb the blood must be single-use and disposed of immediately after use in covered containers that are appropriate for the disposal of infectious waste.</p> <p>ADD:</p> <p>i) Maintain hair, skin, and clothes free of visible particulate matter and debris. The body artist must be free of any infection or any other visible disease condition that may be transmitted as a result of carrying out the body art procedure.</p>
Procedures Specific to Tattooing & Permanent Makeup	11-1103	<p>REVISE TITLE TO READ: Procedures Specific to Tattooing and Permanent Makeup</p> <p>ADD:</p> <p>b) ...The area must be treated with an antiseptic prior to stencil application. Disposable razors must be disposed of in the sharps container.</p> <p>ADD:</p> <p>f) Drive bars that can be reused are only permitted with the use of cartridge systems that have proof from the manufacturer that they have a backflow</p>

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		<p>preventer. For cartridge systems with backflow preventers, the drive bar must be cleaned and disinfected with an appropriate disinfectant after each use.</p> <p>ADD: g) The grip sleeve and drive bar must be sterilized prior to each use for any needle cartridge system without manufacturer instructions documenting that the cartridge has a backflow preventer.</p>
License Requirements	13-1301	<p>ADD: d) Regardless of the date that the body art establishment license is issued, the associated fee will not be prorated.</p>
Enforcement	14-1401	<p>REVISE TO READ: a) Each body art establishment must maintain a valid body art license from BCPH at all times such establishment is operational (i.e. conducting any body art procedures). Body art establishments must comply with all aspects of these regulations. Any body art establishment failing to comply with any aspect of these regulations will be subject to the penalty provisions under this section, Section 14, of these regulations.</p>
Variance Procedures	15-1501	<p>REVISE TO READ: e) Body art establishment license holders and operators who receive a variance have an affirmative duty to promptly notify BCPH upon any change or expiration of the circumstances that supported the variance. The variance will expire upon a change of circumstances from those supporting the variance or upon a change of ownership of the body art establishment.</p>