

Summary of Changes

This summary provides a synopsis of the textual changes between the 2001 Colorado Rules and Regulations for Body Art Establishments and the 2016 Tri-County Health Department Rules and Regulations for Body Art Establishments (BA-16) edition. The primary intent of this record is to capture the nature of the changes rather than to identify every word or editing change. This record should not be relied upon as an absolute comparison that identifies each and every change. Section numbers listed refer to the section as it appears in BA-16.

SECTION 1: PURPOSE, AUTHORITY AND DEFINITIONS

1-102 Authority: Added authority granted by the Colorado Revised Statutes and the Body Art Act.

1-103(c) Definitions: Added definition of "Approved"

1-103(d) Definitions: Added definition of "Board of Health"

1-103(e) Definitions: Added definition "Bloodborne Pathogen"

1-103(f) Definitions: Added definition of "Bloodborne Pathogen Course"

1-103(k) Definitions: Added definition of "CDPHE"

1-103(l) Definitions: Added definition of "Client Records"

1-103(m) Definitions: Added definition of "Complication"

1-103(p) Definitions: Added definition of "Critical Item Violation"

1-103(q) Definitions: Added definition of "C.R.S."

1-103(r) Definitions: Amended definition of "Disinfectant"

1-103(s) Definitions: Added definition of "Ear Piercing"

1-103(t) Definitions: Added definition of "Equipment"

1-103(u) Definitions: Added definition of "Event Coordinator"

1-103(v) Definitions: Added definition of "Exposure Control Plan"

1-103(x) Definitions: Added definition of "Hearing Officer"

1-103(aa) Definitions: Added definition of "Instruments"

1-103(dd) Definitions: Added definition of "License"

1-103(ee) Definitions: Added definition of "Licensee"

1-103(ff) Definitions: Added definition of "Minor"

1-103(gg) Definitions: Added definition of "Mobile Body Art Establishment"

1-103(hh) Definitions: Added definition of "New Facility"

1-103(jj) Definitions: Amended definition of "Pierce, Pierced, Piercing"

1-103(mm) Definitions: Added definition of "Regulations"

1-103(nn) Definitions: Added definition of "Reusable Devices"

1-103(qq) Definitions: Added definition of "Service Animal"

1-103(tt) Definitions: Added definition of "Signs of Infections"

1-103(xx) Definitions: Added definition of "TCHD"

1-103(yy) Definitions: Added definition of "TCHD's Jurisdiction"

1-103(zz) Definitions: Added definition of "Temporary Body Art Establishment"

1-103(bbb) Definitions: Added definition of "Ultrasonic Cleaning Unit"

1-103(ccc) Definitions: Added definition of "Water, Approved Source"

SECTION 2: MINIMUM REQUIREMENTS FOR BODY ARTISTS

2-201 Body Artist Requirements: Added requirement to complete and maintain yearly certification of an approved Bloodborne Pathogen Course. Added requirement for employees to receive or decline HBV within 90 days of hire or enactment of BA-16. Added requirement to maintain documentation of certification and proof/declination of vaccination.

SECTION 3: MINIMUM REQUIREMENTS FOR BODY ART ESTABLISHMENTS

3-303 Employment Records: Added requirement to include artist's nickname/artist identifier name on employment records.

SECTION 4: CLIENT RECORDS

4-403 Client Consent: Added requirement for age and signature of client on consent forms. Added requirement for the identification of the sterilized instruments used during the procedure on consent forms. Added requirement for documentation recorded on the consent form that written and verbal information was provided to the client prior to the procedure: tattoo permanence, healing process, aftercare instructions provided, Body Artist name/nickname, minor client requirements.

4-404 Aftercare Instructions: Added requirement that written and verbal aftercare instructions should include: Name, Address, and Phone number of the Body Art Establishment and Body Artist name/nickname, expected duration of healing, proper handwashing, use clean bed linens and towels, any physical activity restrictions.

SECTION 5: FACILITY AND OPERATIONAL REQUIREMENTS

5-501 Procedure Areas: Added requirement for ventilation in areas where branding procedures take place.

5-502 Restroom Facilities: Added requirement that person-in charge is responsible for restrooms.

5-506 Hand Sinks: Added requirement that hot water must reach a minimum temperature of 90°F and may not exceed a temperature of 120°F at each designated hand sink.

5-514 Animals: Added language clarifying that Service Animals (as defined in 1-103) shall be allowed in the Procedure Areas, if necessary for the Client.

5-517 Utility Sinks: Added requirement for a mop sink in New Facilities (as defined in Section 1-103).

5-518 Sharps and Infectious/Regulated Waste: Added requirement that full bulk sharps containers must be disposed of within 48 hours.

SECTION 6: TEMPORARY EVENTS AND MOBILE BODY ART REQUIREMENTS

6-601 Temporary Events: The following requirements and/or clarifications were added to 6-601:

- A license will be issued when: the event coordinator submits application, meets requirement, pays all fees, and after inspection of the facility by TCHD staff
- Temporary Event Body Artists must: either be affiliated with a licensed or approved Body Art Establishment or sponsored by a TCHD licensed Body Art Establishment, complied with 2-201 (c.), and received or declined HBV
- The Temporary Event facility must comply with Section 5
- Licenses are valid for not more than 14 consecutive days, are non-transferable between locations, must be visible to patrons
- Requirements for handwashing stations and temporary handwashing stations

- Prohibition of on-site cleaning and sterilization of instruments
- Requirement to cease operations due to any violations of the Regulations and the operation is presenting significant health hazards to the public

6-602 Mobile Body Art Establishments: The following requirements and/or clarifications were added to 6-602:

- Requirement for annual licensing prior to operation
- Prohibition of cleaning and sterilizing equipment on the mobile
- Must comply with Sections 2-4, and 6-11 of the Regulations
- May only be used for Body Art procedures
- Tight fitting, self-closing doors and screened windows
- Hand sink requirements
- Water supply and wastewater requirements
- Restroom requirement (need restroom avadavat)
- All procedures must be conducted inside the unit

SECTION 7: EXPOSURE CONTROL PLAN AND PROCEDURES

7-701 Exposure Control Plan: Added requirement that the exposure control plan must also include: storage and disposal of sharps, post exposure procedures, use of personal protective equipment handwashing procedures, chemical storage and safety, injury and illness prevention.

SECTION 8: INSTRUMENTS/STERILIZATION

8-801 Instrument and Jewelry Cleaning: Added requirement regarding face and garment protection.

8-802 Ultrasonic Cleaners: Added requirements for ultrasonic cleaners.

8-804 Instrument Sterilization: Added requirement to record the person's name that operated the sterilizer and the name or initials of the person who verified sterilization on the load log.

8-807 Instrument Recall: Added requirement to recall instruments after a biological indicator result or mechanical failure of the sterilizer.

SECTION 9: BODY ART PROCEDURE

9-901 Prohibitions: Added/amended the following prohibitions: It is prohibited to: perform body art procedures except within a Licensed Body Art Establishment, perform any procedure that must be conducted under the supervision of a physician licensed to practice medicine, performing body art procedures on a minor without parent consent, performing body art procedures without bloodborne pathogen training or HBV/written declination.

9-902 Standard Procedures: Added requirement to use barrier films when appropriate.

9-903 Procedures Specific to Tattooing: Added requirement that if inks, dyes, or pigments are prepared by the Body Artist, a list of ingredients and the procedure used in the production must be on file for review by TCHD.

9-904 Procedures Specific to Body Piercing: The following requirements were added: requirement to clean the body area to be pierced prior to piercing, requirement to either use jewelry that has been sterilized, comes from pre-sterilized packs, or new jewelry that has been disinfected, and jewelry must meet ASTM or other material standards.

SECTION 10: BODY ART ESTBLISHMENT LICENSING, INSPECTION AND ENFORCEMENT

10-1001 Licensing: The following requirements were added: Existing facilities required to apply for and obtain a license within 90 days of effective date of BA-16, advertising or operation of a Body Art Establishment without a license is prohibited, the license is not transferrable, valid for one location, valid for a calendar year, can be renewed annually, and must be posted.

10-1002 License and Inspection Fees: Annual license fees will be based on actual costs incurred by TCHD to provide services. Inspection fees for pre-opening and remodeling inspections; no charge for annual inspections.

10-1003 Licensing Procedure: Must submit application that includes ownership information, water supply source, wastewater disposal system, copies of required Exposure Control Plans, logs, and consent forms, any other information requested by TCHD, pay license fee, and any other fees associated with pre-opening inspections.

10-1004 Inspections: Requirement for an annual inspection (at minimum).

10-1005 Enforcement: Provisions for immediate closure based on Colorado Revised Statutes and the powers and duties described. Notification of non-compliance through written violations and reasonable time for compliance. Issuance of civil penalties for non-compliance as determined by the Hearing Officer. Issuance of civil penalties for failure to pay license fee or other assessed penalties. Suspension of license as determined by the Hearing Officer. Reinstatement of a suspended license. License revocation as determined by the Hearing Officer. Provisions for Administrative Hearings. Recovery of enforcement related costs incurred by TCHD. Right to Appeal decision of Hearing Officer in District Court

SECTION 11: VARIANCE PROCEDURE

Added language regarding variance request methods, approvals, and denials, and right for appeal of the variance decision to the Hearing Officer.