



# SUTTER COUNTY

## DEVELOPMENT SERVICES DEPARTMENT

---

Building Inspection  
Code Enforcement

Planning  
Environmental Health

Fire Services  
Engineering

Road Maintenance  
Water Resources

### SUMMARY OF THE SAFE BODY ART ACT (AB 300)

#### **Intent of 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 minimum statewide standards for persons who perform tattooing, body piercing, branding, and the application of permanent cosmetics (body art practitioners).

#### **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 (with the exception of tragus piercing).

#### **Registration of Body Art Practitioners**

All persons who perform body art are required to register with the local enforcement agency. To register in Sutter County you must submit to the Sutter County Environmental Health Division a Body Art Practitioner Annual Registration Form 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, physician statement of contraindication for medical reasons, or a vaccination declination statement.

Apprentices will also need to submit an apprentice notification form with information regarding the apprentice and the sponsor. Body art practitioners who are currently registered with another California enforcement agency outside of Sutter County may operate as a guest artist in a Sutter County body art facility or temporary body art event for up to 5 consecutive days and no more than 15 days total each year without registering with the Sutter County Environmental Health Division.

#### **Body Art Facility Requirements to Obtain an Environmental Health Permit**

Upon verification that a body art facility meets all of the following requirements, an Environmental Health Permit can be issued.

General Requirements:

- Possesses a current Infection Prevention and Control Plan (see sidebar)
- Facility is clean, free of insects and rodents, and has walls, floors and ceilings that are smooth, washable and free of holes
- All practitioners are registered with certificates posted
- A contract for removal of all sharps waste
- Waste containers with liners in procedure area and decontamination area
- Properly labeled sharps containers that are within arm's reach of the practitioners in the procedure and decontamination areas.

Procedure Areas:

- Equipped with adequate lighting
- Equipped with a hand washing sink with hot (110°F) and cold running water, liquid soap, and single-use towels in a touchless dispenser.

Decontamination Areas:

(Not required if only disposable, single-use, pre-sterilized instruments are used)

- Separated from procedure areas by at least 5 feet or a by a cleanable barrier
- Equipped with a sink with hot and cold running water for cleaning and disinfecting equipment
- Only equipment manufactured for sterilization of medical instruments may be used
- Upon initial installation, after repair, and at least monthly the sterilization unit must be tested using a commercial biological indicator monitoring system

Body Art Facilities constructed in Sutter County after June 1, 2016, must receive approval prior to operating. Operators must submit for approval construction plans, a copy of their Infection Prevention and Control Plan, and the required fee. After construction, the operator must request an inspection of the facility to determine that the construction and operating methods meet the approved plans.

**Infection Prevention and Control Plan:**

A body art facility must maintain and follow a written Infection Prevention and Control Plan (IPCP). This document

1. Specifies the procedures to achieve compliance with the Safe Body Art Act, including the following:
  - 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
2. Must be revised when changes are made in infection prevention practices, procedures, or tasks.
  3. Must include staff training upon initial assignment of task, whenever procedures change and not less than once per year.
  4. Must require that records of training on the IPCP be maintained for three years.

### **Requirements for 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 to 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.
- Apply antiseptic, antimicrobial, or microbicide to the client's skin immediately.
- Use a single-use razor to shave client and dispose of the razor in the sharps container.
- 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, wash and disinfect instruments and decontaminate the workstation and procedure area.
- No food, drink, tobacco product, or personal effects are permitted in the procedure area.
- Animals, except service animals as defined by the ADA, are not permitted in the procedure area or decontamination- sterilization area.

### **Decontamination and Sterilization Requirements:**

- Each instrument peel-packs must have an appropriate indicator.
- Each sterilization load shall be monitored with a Class V integrator.
- Sterilization units are to be loaded, operated, decontaminated, and maintained according to manufacturer specifications.
- 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 on site for two years.
- Sterilization packs must be inspected prior to storage and again prior to use.

### **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.

### **Clients Must Provide “Informed Consent”:**

To provide informed consent clients must read and sign an informed consent form that includes a description of the procedure; a description of what to expect after the procedure; a statement regarding the permanent nature of body art; notice that tattoo inks, dyes, and pigments have not been approved by the Federal Food and Drug Administration and the health consequences of using these products are unknown.

The informed consent form should also include a client health questionnaire to determine if the client is pregnant; has a history of herpes infection at the 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. Provide post-procedure instructions.

### **Enforcement:**

Registrations and Permits may be suspended for imminent health hazards. Registrations and Permits may be suspended or revoked for serious or repeated violations after a hearing. Operating without a permit or registration is a misdemeanor and is also subject to a penalty of up to three times the cost of the license or registration. Violations of the act are subject to an administrative penalty of \$25-\$1,000.

## ***Frequently Asked Questions about the Safe Body Art Act (AB 300)***

### **What is the Safe Body Art Act?**

It is a law that has set a uniform set of standards for the body art industry. The law's regulations apply to all body art practices, including piercing, tattoos, permanent cosmetics, and branding. The Safe Body Art Act became law on January 1, 2012. Body art facilities and practitioners throughout the State of California are to have complied as of July 1, 2012.

### **Where can I find the law?**

Legislation known as "The Safe Body Art Act" revised California Health and Safety Code, Sections 119300-119327.

Here is a link to the text: [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_0251-0300/ab\\_300\\_bill\\_20111009\\_chaptered.html](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0251-0300/ab_300_bill_20111009_chaptered.html)

### **What is body art?**

"Body art" means body piercing, tattooing, branding, or application of permanent cosmetics

### **Does the piercing of the ear count as body art?**

The piercing of the ear with a mechanical stud and clasp device does not constitute body art as defined in AB 300.

### **Who regulates and inspects body art businesses?**

The Sutter County Environmental Health Division is the Local Enforcement Agency (LEA) charged with enforcing the regulations for body art within Sutter County.

### **Are there Registration/Permit fees? How do I register?**

Yes, there will be an annual registration for practitioners. This year a fee will not be charged. The annual registration fee will be charged beginning with the second year. The registration fee will be determined based on an average time to process the registration.

An annual permit is required for the facility. The fee for the annual facility permit will not be charged this year. Beginning next year, the permit fee will be charged and will be determined based on the time an average inspection takes.

### **Whom do I pay?**

You will receive an application from the Sutter County Environmental Health Division with the information on the assessed fee and how to pay.

### **What do I need to submit with my facility application?**

Body art facility owners are required to submit an "Infection Prevention Control Plan" for review and approval (see Section 119313 for minimum details of what the plan needs to include) along with their application. A floor plan of the facility identifying work areas, storage, hand wash sinks, equipment, etc. are to be included with the application.

**What do I need to submit with my practitioner registration application?**

A practitioner should submit proof of Hepatitis B vaccination or, if you are in the process of completing the series, check the “certification of completed vaccination” box and submit a copy of associated medical documentation (e.g. vaccination card). If you are declining the Hepatitis B vaccination series, provide a signed copy of a Hepatitis B Declination Statement and submit it with the application document. Also provide a copy of your Blood-borne Pathogen Training certificate. A practitioner is required to undergo no less than two hours of a Blood-borne Pathogens Exposure Control training prior to registering with the Sutter County Environmental Health department, and annually thereafter. This training must be provided by a person “knowledgeable in exposure control and infection prevention in the body art setting” and who are approved by the LEA in accordance with the provisions of Section 119307.

**Do body art apprentices need to register as well?**

An apprentice will need to submit an apprentice notification form with the apprentice and their sponsor’s information.

**Does the Blood-borne Pathogen training need to be received in-person or can it be obtained online?**

The Blood-borne Pathogen training may be acquired on-line or in person, as long as it meets the requirements of Section 119307.

**Are there requirements for the floor plan/layout of a body art facility?**

Yes, they are specified in Section 119314.

**Are there construction requirements for a new body art facility or remodel?**

Yes. They are specified in Section 119314.

**Will there be an inspection of my facility?**

Yes. There will be a minimum of one inspection a year.

**What if I don’t register or get a permit?**

AB 300 makes performing body art without being registered, operation of a body art facility without a health permit, or the operation of a temporary body art event without a permit, a misdemeanor. In addition, the LEA is authorized to assess an administrative penalty, in an amount not less than \$25 and not more than \$1,000, for violating a provision of the bill. The bill also authorizes the LEA, in addition to these penalties, to impose a penalty of up to three times the cost of the registration or permit to anyone who fails to obtain needed permits and/or registrations.