

Add Subchapter 11 as follows.

**Article 1. Definitions.**

**Section 6700. Antiseptic.** “Antiseptic” means a substance applied to the skin or mucosal membranes such as the inside of the nose or mouth that reduces the number of microorganisms.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 111230, Health and Safety Code.

**Section 6701. Approved.** “Approved” means that the Director, or the Director’s designee(s), of the Local Enforcement Agency (LEA), pursuant to standards adopted by the LEA, has authorized a person, or deemed acceptable, an instrument, device, procedure or training that is not in conflict with this chapter.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: 119303, Health and Safety Code.

**Section 6702. Blood.** “Blood” means human blood or any human body fluid or tissue that is visibly contaminated with blood.

**Section 6703. Bloodborne Pathogen(s).** “Bloodborne pathogen(s)” means the pathogenic microorganisms that are present in human blood that can cause disease in humans. These pathogens include Hepatitis B (HBV), Hepatitis C (HCV), and Human Immunodeficiency Virus (HIV).

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 5193, Title 8, California Code of Regulations.

**Section 6704. Blood Exposure Incident.** “Blood Exposure Incident” means piercing the skin through such events as needlesticks, cuts or abrasions from materials contaminated with blood from any other person, or eye, mouth, or nonintact skin exposure to blood or blood-contaminated instruments or materials.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 5193, Title 8, California Code of Regulations.

**Section 6705. Body Piercing.** “Body Piercing” means the creation of an opening in the human body for the purpose of inserting jewelry or other decoration. Pursuant to Section 119300 (b) of the Health and Safety Code, this includes, but is not limited to, piercing of a lip, tongue, nose or eyebrow; but does not include piercing of the ear with a disposable, single-use stud that is applied using a mechanical device to force the stud through the ear.

NOTE: Authority Cited: Sections 100275, 119301, Health and Safety Code.

Reference: Sections 119300 and 119309, Health and Safety Code and Section 652 California Penal Code.

**Section 6706. Body Piercer.** “Body Piercer” means any person who is registered by the LEA to perform body piercing as defined in Section 6705 of this chapter.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119300 (b), 119303 (a), and 119309, Health and Safety Code.

**Section 6707. Business.** “Business” means any place where any activity regulated by this chapter is performed for compensation, demonstration, or charity.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303 (a) (2), Health and Safety Code.

**Section 6708. Contaminated.** “Contaminated” means the presence of or reasonably expected presence of blood or other potentially infectious material in or on the surface of an item.

NOTE: Authority Cited: Sections 100275, 119301, Health and Safety Code.

Reference: Section 5193, Title 8, California Code of Regulations.

**Section 6709. Contaminated Waste.** “Contaminated Waste” means any material to be disposed of that has been soiled by blood or other potentially infectious material in the process of tattooing, body piercing or the application of permanent cosmetics.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 5193, Title 8, California Code of Regulations.

**Section 6710. Department.** “Department” means the California Department of Health Services.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119300 (d) and 119303 (a) (1) (2) Health and Safety Code.

**Section 6711. Disinfection.** “Disinfection” means the elimination of all pathogenic microorganisms but not necessarily bacterial spores from inanimate objects, rendering them safe to handle. Disinfection shall not be used in place of cleaning and sterilizing needles or other instruments used to puncture skin, or that are placed in contact with skin that is tattooed or pierced.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 5193, Title 8, California Code of Regulations.

**Section 6712. Enforcement Officer.** “Enforcement Officer” means the Director of the Local Enforcement Agency, or the Director’s designee(s).

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119304, Health and Safety Code.

**Section 6713. Handwashing.** “Handwashing” means the following process:

- (a) Wet hands with warm running water.
- (b) Apply soap (plain or antimicrobial in any form other than a bar) and thoroughly distribute over hands.
- (c) Rub hands together vigorously for 10 to 15 seconds, covering all surfaces of the hands and fingers, paying special attention to the thumbs, backs of the fingers, backs of the hands, and beneath the fingernails.
- (d) Rinse hands thoroughly to remove residual soap.
- (e) Dry hands with paper towels or warm-air drying. If paper towels are used they must be dispensed from holders that require the user to remove them one at a time.

**Section 6714. Hearing Officer.** “Hearing Officer” means the Director, or the Director’s designee(s), of the LEA.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119304, Health and Safety Code

**Section 6715. Instrument.** “Instrument” means any tattooing, body piercing or permanent cosmetics equipment or implement that comes into contact with blood or nonintact skin. Such equipment includes, but is not limited to, needles, needle bars, needle tubes, forceps, hemostats, tweezers, or other implements used to insert pigment or pierce the human body for the intended purpose of making a tattoo or a permanent hole. Such equipment also includes studs, hoops, rings, or other decorative jewelry. These instruments must be sterile before use on clients.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119300, Health and Safety Code.

**Section 6716. Local Enforcement Agency (LEA).** “Local Enforcement Agency (LEA)” means the county or city agency responsible for enforcing this chapter.

NOTE: Authority Cited: Sections 100275, 119301, Health and Safety Code.

Reference: Sections 119303 (a), 119304, 119305, Health and Safety Code.

**Section 6717. Minor.** “Minor” means any person under the age of 18 (eighteen) years.

**Section 6718. Nonintact skin.** “Nonintact skin” means skin that is not intact, where a tattoo, body piercing, or permanent cosmetic has been applied, or where there is a cut, burn, rash, infection, scar, or any other process that has altered the skin.

**Section 6719. Owner.** “Owner” means any of the following:

- (a) The owner of a place where the business of tattooing, body piercing or the application of permanent cosmetics is conducted.
- (b) A sole proprietor who performs tattooing, body piercing, or the application of permanent cosmetics.
- (c) A person who employs practitioners to perform tattooing, body piercing, the application of permanent cosmetics, or any other activity regulated by this chapter.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303, 119304, and 119309, Health and Safety Code.

**Section 6720. Permanent Cosmetics.** “Permanent Cosmetics” means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or appearance of the skin. This includes but is not limited to permanent eyeliner, eye shadow, and lip color.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119300 (c), Health and Safety Code, and Section 653, California Penal Code.

**Section 6721. Permanent Cosmetics Technician.** “Permanent Cosmetics Technician” means a person registered with the LEA to engage in the application of permanent cosmetics as defined in Section 6720.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 (a) and 119309, Health and Safety Code.

**Section 6722. Piercing Device.** “Piercing Device” means any LEA approved instrument other than a piercing needle that is used to create an opening in the human body for the purpose of inserting jewelry or other decorations.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119300 and 119303, Health and Safety Code.

**Section 6723. Piercing Gun.** “Piercing Gun” means a handheld tool that shall:

- (a) Be used exclusively for piercing the leading edge and lobe of the ear.



(b) Use single-use pre-sterilized studs and clutches that are inserted into the ear by hand-squeezed or spring-loaded action.

(c) Be made of a material that can withstand repeated disinfecting with a high-level to intermediate-level disinfectant.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119300 and 119303, Health and Safety Code.

**Section 6724. Practitioner.** “Practitioner” means a tattooist, body piercer or permanent cosmetics technician who is registered with the LEA to perform tattooing, body piercing or the application of permanent cosmetics as defined in this chapter.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 (a) and 119309, Health and Safety Code.

**Section 6725. Procedure Area.** “Procedure Area” means the immediate area where instruments and supplies are used during tattooing, body piercing or the application of permanent cosmetics.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303, Health and Safety Code.

**Section 6726. Purchased Pre-sterilized.** “Purchased Pre-sterilized” means instruments and procedure set-ups that are sold individually packaged and processed to render them free from all microorganisms. Each pack shall have a sterilization lot number from the sterilization facility.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303, Health and Safety Code.

**Section 6727. Registered.** “Registered” means the applicant has complied with all the requirements of Article 2 of this chapter (Health and Safety Code Section 119303) and has received a Certificate of Registration from the LEA.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

**Section 6728. Service Room.** “Service Room” means an enclosed area that contains one or more workstations with unimpeded access to a hand sink within the room.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303, Health and Safety Code.

**Section 6729. Sterilization.** “Sterilization” means the complete destruction of all microbial life. All instruments that come into contact with nonintact skin or blood during

the process of tattooing, body piercing, or the application of permanent cosmetics shall be sterilized before use.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 118215, Health and Safety Code.

**Section 6730. Tattooing.** “Tattooing” means to insert pigment under the surface of skin of a human being by pricking with a needle or otherwise, to permanently change the color or appearance of the skin to produce an indelible mark or figure that is visible through the skin.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119300 (a), Health and Safety Code.

**Section 6731. Tattooist.** “Tattooist” means a person who is regulated by this chapter and who is registered with the LEA to apply tattoos as defined in Section 6730.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303 (a), Health and Safety Code.

**Section 6732. Workstation.** “Workstation” means an area within a service room that is set up for the performance of tattooing, body piercing or the application of permanent cosmetics.

(a) A workstation may be an area screened for privacy, or it may be in a separate service room.

(b) All workstations within a service room shall have unimpeded access to a hand sink within the service room.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303, Health and Safety Code.

## **Article 2. Registration**

**Section 6735. Registration.** Every person engaged in the business of tattooing, body piercing, or permanent cosmetics as defined in Sections 6705, 6722, and 6732 of this chapter, shall register with the LEA in the jurisdiction in which that business is conducted. This Section shall not restrict the activities of any physician and surgeon licensed under chapter 5, beginning with Section 2050 of Division 2 of the Business and Professions Codes

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119300, 119303 (a) (1) (2) (3) (4), and 119309, Health and Safety Code.

### **Section 6736. Requirements and Procedures.**

- (a) Any person applying for registration shall be at least eighteen (18) years of age at the time of application.
  
- (b) The applicant shall obtain a copy of this chapter from the LEA, sign an acknowledgement upon receipt of the chapter, and commit to meet the standards.

- (c) The applicant shall register with the LEA using a form obtained from the LEA that includes at a minimum the following: applicant's name, date of birth, mailing address, and all business addresses and business phone numbers within the LEA's jurisdiction at which the applicant will perform any activity regulated by this chapter.
- (d) Within one year of the effective date of this chapter, all applicants shall provide to the LEA, at the time of application, proof of completion of an exposure control training course pursuant to Article 6 of this chapter. The course shall have been completed within twelve months prior to registration.
- (e) Within one year of the effective date of this chapter, any tattooist, body piercer or permanent cosmetics technician already registered and practicing shall provide the LEA proof of completion of an exposure control training course, pursuant to Article 6, that has been completed within the prior twelve months.
- (f) The applicant shall pay to the LEA a one-time registration fee and an annual inspection fee of for each location where the applicant will perform any activity regulated by this chapter, the amounts specified in Health and Safety Code Section 119303 (a) (3)-(4) and by the LEA.

**Section 6737. Certificate of Registration.**

- (a) A Certificate of Registration shall be required for each business location at which the practitioner performs any activity regulated by this chapter.
- (b) The Certificate of Registration shall be prominently displayed to the public at the practitioner's workstation.
- (c) The Certificate of Registration shall not be transferable from one person to another, or from one place to another.
- (d) The practitioner shall renew annually the Certificate of Registration for each location at which the practitioner performs any activity regulated by this chapter by complying with the education requirements of this chapter and paying the annual inspection fee to the LEA.

NOTE: Authority Cited: Sections 100275, and 119301, Health and Safety Code.

Reference: Sections 119303, 119304, and 119305, Health and Safety Code and Section 5193, Title 8, California Code of Regulations

**Article 3. Clients.**

**Section 6738. Clients Restrictions.**

(a) Persons receiving a tattoo or permanent cosmetics shall be at least eighteen years of age regardless of parental consent pursuant to Section 653 of the California Penal Code.

(1) This shall not apply to emancipated minors.

(2) This shall not restrict the activities of a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(b) Pursuant to Penal Code Section 652, persons under the age of eighteen (18) years shall not receive body piercing unless the body piercing is performed in the presence of the person's parent or guardian, or as directed by a notarized writing by the person's parent or guardian.

(1) Emancipated minors are not required to obtain parental consent.

(2) Nipple and genital piercing is prohibited on minors regardless of parental consent.



(c) Tattooing, body piercing, or the application of permanent cosmetics shall not be performed on skin which has rash, pimples, evidence of infection, open lesions, mole, sunburn, or manifests any evidence of unhealthy conditions without clearance by a physician licensed under chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(d) Tattooing, body piercing and permanent cosmetics shall not be performed on any person who is impaired by drugs or alcohol or who is incapable of making an informed decision or following aftercare instructions.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119300 and 119309, Health and Safety Code and Sections 652 and 653, California Penal Code.

**Section 6739. Client Information and Records.**

(a) Before receiving a tattoo, body piercing, or permanent cosmetics, the client shall be required to complete an information and consent form that covers at a minimum the following information.

(1) Information that tattooing, body piercing, or application of permanent cosmetics pose a risk of infection, that tattooing or application of permanent cosmetics are permanent, and that removal of a tattoo or permanent cosmetic may leave scarring.

(2) Complications such as allergic reaction, scarring, tooth, nerve or other tissue damage known to occur specific to the site where piercing, tattooing, or application of permanent cosmetics is to be performed.

(3) When the client last ate.

(4) Any medical conditions such as mitral valve prolapse or other cardiac disease, history of herpes, diabetes, allergic reactions to latex or antibiotics, hemophilia or other bleeding disorder or the use of anticoagulants, which might affect the healing of the tattoo.

(5) Alcohol use within the last eight hours

(b) Before receiving a tattoo, body piercing, or application of permanent cosmetics, the client shall be provided written and verbal aftercare instructions that include at least the following:

(1) Information on the care of the site of the tattoo, body piercing or permanent cosmetics.

(2) Instructions on possible side effects.

(3) Information on any restrictions.

(4) Information on signs and symptoms of infection.

(5) Instructions to consult a physician if signs and symptoms of infection such as fever, swelling, redness, or drainage occur.

(c) A record of all clients who have received any tattoo, body piercing or permanent cosmetics shall be kept by the owner of the business. Each client record shall contain the following information.

(1) The record shall state date of procedure, client's name, date of birth, address, the name of the practitioner who performed the procedure(s), type

and location of the procedure, signature of the client, and if the client is a minor, proof of parental or guardian presence and/or consent.

- (2) The records must be retained for a minimum of three (3) years, and must be available to the LEA upon request.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303, Health and Safety Code, and Sections 652 and 653,

California Penal Code.

**Article 4. Hepatitis B Vaccination.**

**Section 6740. Hepatitis B Vaccination Requirements.**

The practitioner shall keep on file in an exposure control plan for each place where the practitioner performs any activity regulated by this chapter, either:

(a) Documented protection against hepatitis B in the form of:

(1) Certification of completed vaccination or,

(2) Laboratory evidence of immunity.

OR

(b) Certification of declination for hepatitis B vaccination.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 5193 (f), Title 8, California Code of Regulations

**Article 5. Exposure Control Plan.**

**Section 6741. Responsibilities for Establishment of the Exposure Control Plan.**

- (a) The owner of every tattoo, body piercing or permanent cosmetics business shall establish and maintain a written Exposure Control Plan, using as applicable, the Sections of this chapter.
- (b) The plan shall apply to all who perform any activity regulated by this chapter within the place of business for which that plan was developed.
- (c) The Exposure Control Plan shall include, at a minimum, the topics listed below in sub-Sections (1) through (10) The Exposure Control Plan shall show how the applicable Sections of this chapter are to be implemented to develop safe practices and procedures for the business.
- (1) Standard-operating procedures for workstation set-up and breakdown to eliminate cross-contamination.
- (2) Standard-operating procedures for safe handling and cleaning of reusable instruments.

- (3) Standard-operating procedures for packaging, sterilizing and storing of reusable instruments.
- (4) Standard-operating procedures for safe handling and disposal of contaminated wastes.
- (5) Usage logs for sterilization equipment, spore test records, and cleaning, maintenance and repair records for the sterilization equipment and ultrasonic cleaner(s).
- (6) Inventory of all chemicals and disinfectants and their uses.
- (7) Blood exposure incident record, and an evaluation of how the exposure occurred and what actions can be taken to minimize or eliminate future exposures.
- (8) Hepatitis B vaccination records for all practitioners working within the business.
- (9) Record of exposure control training for anyone working in the business that performs any activity regulated by this chapter.

(10)The results of an annual review of the Exposure Control Plan showing any changes made. In addition, whenever changes in practices, procedures or tasks are made that affect or create the potential for new exposure to blood, the existing Exposure Control Plan must be reviewed and updated accordingly.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

(d) Location of the Exposure Control Plan

The Exposure Control Plan shall be kept at the business, and shall be available at all times for use by the practitioners and for review by the Enforcement Officer.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.



**Article 6. Exposure Control Training.**

**Section 6742.** All persons registered with the LEA to perform tattooing, body piercing, the application of permanent cosmetics, and anyone who performs any activity regulated by this chapter, shall complete LEA approved Exposure Control Training as specified in Section 6742 (c).

(a) Materials.

Materials appropriate in content and vocabulary to the educational level, literacy and language of the trainee shall be used.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

(b) Instructor Requirements

An Exposure Control Training instructor shall be OSHA authorized or LEA approved.

(c) Required Elements for Exposure Control Training.

The training program shall contain, at a minimum, the following elements:

- (1) An accessible copy of this and other applicable standards and an explanation of the regulations contained in them.
- (2) A general explanation of the epidemiology and symptoms of bloodborne diseases and other exposures appropriate for the practice or business of the trainee.
- (3) An explanation of the modes of transmission of bloodborne pathogens and other communicable diseases appropriate for the practice or business of the trainee.
- (4) Recognition of tasks or other activities that may lead to exposure to bloodborne pathogens for the client or practitioner.
- (5) The use of protective clothing and gear as critical points of protection, and an explanation of their limitations.
- (6) Information on the importance of good handwashing techniques.
- (7) Information on types, uses and proper technique for donning and removing gloves to avoid cross-contamination.

- (8) Information on choosing, using and storing appropriate disinfectants and antiseptic ointments.
- (9) Information on the signs required for biohazardous materials and the importance of labeling chemicals and supplies.
- (10) An explanation of the importance of eliminating cross-contamination at the workstation and how to standardize procedures for set-up and break down of workstations to avoid cross-contamination.
- (11) Information on the hepatitis B vaccine, including information about its efficacy, safety, and methods of administration.
- (12) An explanation of what constitutes a blood or potentially infectious material exposure incident that includes:
- A. Information on how to prepare an evaluation of how the exposure occurred and what actions can be taken to eliminate or minimize future exposure.
  - B. The risk of infection transmission following a blood or potentially infectious material exposure incident.

C. The procedures to be followed if exposure to blood or potentially infectious materials occurs, including the method of reporting the incident and the medical follow-up to be sought.

(13) An opportunity for interactive questions and answers with the person conducting the training.

(14) How to develop and implement an Exposure Control Plan.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

**Section 6743. In-house Training.** The owner shall give additional training following an annual update of the Exposure Control Plan, or when standard operating procedures are modified or new procedures are added that change the client's or practitioner's exposure to blood.

**Article 7 Standard Operating Procedures for Tattooing**

**Section 6744. Preparation for Tattooing.** The tattooist shall follow the practices listed in Sections 6744 (a)-(l) in preparing for tattooing.

- (a) The tattooist shall not eat, drink, or smoke in the service room or the cleaning room.
- (b) The tattooist shall wash hands and forearms according to Section 6717 before and after every procedure.
- (c) The tattooist shall don new clean disposable examination gloves for every client and use lap cloths or other personal protective equipment. If a glove is pierced, torn or contaminated in any way (for example by contacting a person or non-clean surface), both gloves shall be removed immediately and discarded.
- (d) The tattooist shall use freshly laundered linens or a new disposable lap cloth, drape or apron for each client. All drapes, linens, lap cloths, and aprons shall be stored in a closed cabinet or container until used.
- (e) The tattooist shall wear clean clothing.

- (f) All inks and pigments used in a procedure shall be dispensed from containers in a manner to prevent contamination of the unused portion in the supply bottle.
- (g) When a workstation rinse cup is used, alone or in an ultrasonic cleaner, a fresh cup shall be used for each client, and discarded immediately upon completion of the procedure.
- (h) All single-use ointment tubes, applicators and supplies placed on the procedure mat shall be discarded immediately after use.
- (i) Inks, dyes or pigments that are prepared by the tattooist shall be non-toxic and shall be sterilized prior to use.
- (j) Tattoo needles shall be used once and discarded. When the needlebar is reused, the needlebar shall be cleaned and sterilized before the needles are removed and discarded.
- (k) Position the sharps container and waste receptacle within easy reach.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

- (l) Before beginning the tattooing procedure, the tattooist shall discuss all the topics covered in Section 6739 (a) and (b), and shall have the client sign an information/consent form for the application of a tattoo. The tattooist shall retain one copy of the consent form for the business; the other copy shall be given to the client.

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**Section 6745 Application of the Tattoo.** The tattooist shall use the procedure in Section 6745 (a)-(m) when applying a tattoo.

- (a) Disinfect the procedure area and lay out plastic film or clean paper mat.
- (b) Wash hands.
- (c) Position the client comfortably.
- (d) Arrange all supplies and instruments to be used in the procedure on a clean plastic film or a clean plastic-backed paper mat within easy reach.
- (e) Wash hands, and then don fresh clean examination gloves.
- (f) Gently clean the client's skin with soap and water and shave if necessary with a new, single use disposable razor.
- (g) Place the design on the skin by free hand drawing using a clean marker; or, apply a single use hectographic or tissue stencil using antimicrobial soap or other approved product dispensed from a container in a manner that does not contaminate the unused portion. Acetate or other reusable stencils shall not be used.



- (h) Remove gloves, wash hands, and don fresh clean examination gloves.
- (i) Open sterile needles in front of the client and place them into the tattoo machine without touching the end of the needles.
- (j) Apply the tattoo.
- (k) After the tattoo, the area shall be covered with nonstick gauze that is held in place with a suitable skin tape. A thin layer of sterile petroleum jelly or other suitable antibiotic cream may be applied to soothe the area before covering with non-stick gauze.
- (l) When the tattooing is complete, the tattooist shall answer questions regarding the tattoo and provide aftercare instructions as specified in Section 6739 (b) 1-5.
- (m) Immediately after the client leaves the workstation, the tattooist shall break down the workstation, properly dispose of any sharps, soak any reusable instruments for later cleaning, and clean and disinfect any surface that may have become contaminated.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

**Article 8 Body Piercing.**

**Section 6746. Preparation for Body Piercing.**

The body piercer shall follow the practices listed in Sections 6746 (a)-(j) in preparing for body piercing.

- (a) The body piercer shall not eat, drink or smoke in the service room or the cleaning room.
- (b) The body piercer shall wash hands and forearms according to Section 6717 before and after every procedure.
- (c) The body piercer shall don new clean disposable examination gloves for every client and use personal protective equipment as necessary. If a glove is pierced, torn or contaminated in any way (for example by contacting a person or non-clean surface), both gloves shall be removed immediately and discarded.
- (d) The body piercer shall wear clean clothing.
- (e) All piercing devices other than a hollow needle shall be approved by the LEA.
- (f) Only pre-sterilized jewelry shall be installed in a fresh piercing.

- (g) Only sterile jewelry made of ASTM F138, ISO 5832-1, and AISI 316L or AISI 316LVM implant grade stainless steel, solid 14 K through 24K gold, niobium, titanium, platinum or other materials found to be equally bio-compatible shall be placed in newly pierced skin.
- (h) All single-use disposable items including, but not limited to, corks, rubber bands, skin prepping materials, marking devices, dental bibs, tray covers, sterile gauze, and applicators placed on the procedure area shall be discarded after each client.
- (i) Position sharps container and waste receptacle within easy reach.

NOTE: Authority Cited: Sections 100275, 119301, Health and Safety Code.

Reference: Sections 119303, 119306, Health and Safety Code.

- (i) Before beginning the body piercing procedure, the body piercer shall discuss all the topics covered in Section 6739 (a) and (b), and shall have the client sign an information/consent form for the performance of a piercing. The body piercer shall retain one copy of the consent form for the business; the other copy shall be given to the client.

**Section 6747. Performance of Body Piercing.**

The body piercer shall use the procedure in Section 6747 (a)-(l) when performing a body piercing.

- (a) Disinfect the procedure tray or area.
- (b) Wash hands.
- (c) Don new disposable gloves and arrange all instruments and supplies to be used in the procedure on a sterilized dental bib within easy reach.
- (d) Position the client comfortably.
- (e) Clean the skin and then apply an antiseptic to the area to be pierced and mark the location of the piercing with a disposable marking device.
- (f) Discard all materials used to prep the client, including gloves.
- (g) Wash hands.
- (h) Don new disposable examination gloves.

- (i) Hold or stabilize the tissue only with sterile instruments. Pierce the skin using a sterile, single-use piercing needle or a piercing device that is approved by the LEA that is the same gauge or that is only a slightly larger gauge than the jewelry or ornament to be inserted.
- (j) Immediately after use, place all needles, snip wires, or any other sharps into a sharps container.
- (k) When the body piercing is complete, the body piercer shall answer any questions regarding the piercing and provide aftercare instructions as specified in Section 6739 (b) 1-5.
- (l) Immediately after the client leaves the workstation, the body piercer shall place contaminated instruments into a covered container that is labeled "contaminated instruments" and disinfect all surfaces that have come into contact with the client or the client's tissues, including the piercing tray or table.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

**Article 9 Standard Operating Procedures for Permanent Cosmetics**

**Section 6748. Preparation for the Application of Permanent Cosmetics.**

The permanent cosmetic technician shall follow the practices listed in Sections 6748 (a)-(n) in preparing for the application of permanent cosmetics.

- (a) The permanent cosmetics technician shall not eat, drink or smoke in the service room or cleaning room.
- (b) The permanent cosmetics technician shall wash hands and forearms according to Section 6717 before and after every procedure.
- (c) The permanent cosmetics technician shall don new clean disposable examination gloves for every client and use lap cloths or other personal protective equipment. If a glove is pierced, torn or contaminated in any way (for example by contacting a person or non-clean surface), both gloves shall be removed immediately and discarded.
- (d) The permanent cosmetics technician shall use freshly laundered linens or new and disposable lap cloth, drape or apron for each client. All drapes, linens, lap cloths, and aprons shall be stored in a closed cabinet or container until used.

- (e) The permanent cosmetics technician shall wear clean clothing.
- (f) All inks and pigments used in a procedure shall be dispensed from containers in a manner to prevent contamination of the remaining, unused portion in the supply bottle.
- (g) All single-use ointment tubes, applicators and supplies placed on the procedure mat shall be discarded immediately after use.
- (h) Inks, dyes or pigments that are prepared by the permanent cosmetics technician shall be non-toxic and shall be sterilized prior to use.
- (i) Permanent cosmetics needles shall be used once and discarded. When the needlebar is reused, the needlebar shall be cleaned and sterilized before the needles are removed and discarded.
- (j) If a manual permanent cosmetics device is used, it shall be sterile, single use and disposable.
- (k) If only purchased pre-sterilized components as defined in Section 6728 such as needles, needle chambers, machine tips, machine casings, and combo couplers are used, then LEA-approved sterilization equipment shall not be required. If the permanent cosmetics technician uses a rotary pen, or traditional coil machine

that reuses components, then the use of sterilization equipment meeting the requirements of Section 6750 (c) shall be required for sterilization of the reusable parts.

(l) All rotary pens and other devices used to apply pigments must be designed to prevent backflow of pigments into the machine.

(m) Position the sharps container and waste receptacle within easy reach.

NOTE: Authority Cited: Sections 100275, 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

(n) Before beginning the tattooing procedure, the permanent cosmetics technician shall discuss all the topics covered in Section 6739 (a) and (b), and shall have the client sign an information/consent form for the application of a tattoo. The permanent cosmetics technician shall retain one copy of the consent form for the business; the other copy shall be given to the client.



**Section 6749. Application of Permanent Cosmetics.**

The permanent cosmetics technician shall use the procedure in Section 6778 (a)-(m) when applying permanent cosmetics.

- (a) Disinfect the procedure area and lay out plastic film or a clean plastic backed paper mat.
- (b) Wash hands.
- (c) Position the client.
- (d) Arrange all instruments and supplies to be used in the procedure on plastic film or on a clean plastic-backed paper mat within easy reach.
- (e) Wash hands, and then don fresh clean examination gloves
- (f) Gently clean the client's skin with soap and water and apply an antiseptic that is appropriate for the area where permanent cosmetics are to be applied. If shaving is necessary, use a new, single use disposable razor.
- (g) Place the design on the skin by free hand drawing using a clean marker or apply a single use hectographic or tissue stencil using antimicrobial soap or other

approved product dispensed from a container in a manner that does not contaminate the unused portion. Acetate or other reusable stencils shall not be used.

- (h) Remove gloves, wash hands, and don fresh clean examination gloves.
- (i) Open sterile needles in front of the client and place them into the permanent cosmetics machine without touching the end of the needles.
- (j) Apply the permanent cosmetics.
- (k) After the procedure, apply a thin coat of antibiotic cream or sterile petroleum jelly using a sterile swab or cotton ball, and if appropriate cover the freshly applied site with non-stick gauze that is held in place with a suitable skin tape.
- (l) When the permanent cosmetics procedure is complete, the permanent cosmetics technician shall answer any questions regarding the procedure provide aftercare instructions as specified in Section 6739 (b) 1-5.
- (m) Immediately after the client leaves the workstation, the permanent cosmetics technician shall break down the workstation, properly disposing of any sharps, soak any reusable instruments for later cleaning, and clean and disinfect any surface that may have become contaminated.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

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**Article 10. Cleaning, Sterilization, and Housekeeping.**

**Section 6750. Instrument Cleaning and Sterilization.**

(a) Instrument Cleaning

Instruments shall be held and cleaned using steps 1 through 7 that follow:

(1) Soak used instruments in a covered container of cool water with or without detergent until cleaned and sterilized.

(2) Don disposable, single use gloves such as examination or surgical gloves.

(3) Prepare the ultrasonic cleaner according to manufacturer's instruction.

(4) Take instruments apart and rinse in warm, not hot water.

(5) Load the ultrasonic cleaner and process according to manufacturer's recommendations. If an ultrasonic cleaner is not available, instruments must be cleaned by hand.

(6) Wearing gloves, as required by Section 6750 (a) 2, remove instruments from the ultrasonic cleaner, rinse with clean water, and dry with a clean lint free towel, or allow to air dry.

(7) Store cleaned instruments in a labeled, covered container until packaged for sterilization.

(b) Instrument sterilization.

All instruments that pierce the skin, or touch nonintact skin, shall be sterilized using steps 1 through 7 that follow.

(1) Liquid sterilants shall not be used to sterilize reusable instruments.

(2) Don clean disposable, single-use surgical or examination gloves.

(3) Package cleaned instruments individually in paper/ plastic peel-pack(s) with color (heat) change indicator(s), or package as set-ups with color change indicator.

(4) Label with content, date, and preparer's initials.

(5) Load the sterilizer and process according to manufacturer's directions.

(6) Remove the items when cool and dry.

(7) Place sterilized items in clean, dry labeled containers and store in a cabinet or other place that is protected from dust and contamination.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

(c) Sterilization Equipment.

Any sterilization equipment used to sterilize instruments shall meet the following requirements

(1) The equipment was sold as sterilizing equipment for medical instruments.

(2) The equipment is used, cleaned, and maintained to manufacturer's instructions.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

(d) Sterilization equipment monitoring.

(1) Sterilization equipment must be tested during the initial installations, after any major repair, and at least monthly by using a commercial biological monitoring system.

(2) Biological indicator tests results for each sterilization unit used in the business must be kept on site, and made available for inspection by the Enforcement Officer.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303, and 119306, Health and Safety Code, and Section 70833 (b), Title 22, California Code of Regulations.

(e) Sterilizer record keeping.

A sterilizer log system shall be maintained for each sterilizer in the business. For each sterilization cycle the following information shall be documented:

(1) Date of load.

(2) Lot number.

(3) Practitioner's name.

(4) The general contents of the load.

(5) The exposure time and temperature or the sterilizer recording chart or  
tape.

(6) The results of the chemical indicator.

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**Section 6751. Housekeeping.**

- (a) All areas of the business shall be organized to maintain clean areas separate from contaminated areas.
- (b) An Environmental Protection Agency (EPA) registered hard surface hospital grade disinfectant, used according to manufacturer's instructions, or a freshly prepared 1:100 dilution of household bleach (prepared by mixing 1 part bleach with 100 parts water) shall be used after cleaning to disinfect any surface that is potentially contaminated with blood or other infectious material.
- (c) The cleaning room shall be arranged in a manner to provide two distinct areas.
- (1) The first area for cleaning contaminated instruments and packaging cleaned instruments for sterilization.
  - (2) The second area for sorting sterilized instruments and other supplies.
- (d) Only the biohazard (utility type) sink shall be used to clean contaminated instruments. Only an empty biohazard/utility sink shall be used to dump mop water. The mop bucket shall not be placed into the utility sink.

- (e) All equipment used in the cleaning room shall be used, cleaned and maintained according to manufacturer's recommendations.
- (f) Each workstation shall have plastic lined waste receptacles with a foot-operated lid.
- (g) Each workstation shall have a sharps container with a lid that is rigid, puncture proof, and leak proof on the sides and bottom for reusable sharps.
- (h) Each workstation shall have a sharps container for disposable sharps that is rigid, puncture proof, and leak proof on the sides and bottom and that is closeable and sealable so that when sealed, the container is leak resistant and incapable of being opened without great difficulty for the disposal of single use contaminated sharps.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

**Section 6752. Disposal of Contaminated Wastes.**

All wastes produced during the process of tattooing, body piercing and the application of permanent cosmetics shall be separated for disposal into two classifications, as follows.

(a) Contaminated sharps, which means any contaminated object that can penetrate the skin including, but not limited to tattoo needles, permanent cosmetics needles, piercing needles, and razors. Contaminated sharps shall be disposed of by any of the following methods:

(1) Disinfected or sterilized and disposed of by any method approved by the LEA.

(2) Encapsulated using a commercial encapsulation system and disposed of by any method approved by the LEA.

(3) Using a mail away medical waste disposal company

(b) Other contaminated waste, meaning waste other than contaminated sharps, that includes but is not limited to, contaminated gauze, wipes, tissue, unused dyes and inks, and other non-sharp items used in tattooing, body piercing, and the application of permanent cosmetics, shall be double bagged, securely tied and

disposed of daily in a trash container that prevents unauthorized access. This material shall be disposed of in an approved site by a general trash hauler.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code

Reference: Sections 117600-118360, 119303, and 119306, Health and Safety Code, and Section 5193, Title 8, California Code of Regulations.

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**Article 11. Business Owner and Place of Business.**

**Section 6753. (a) Business Owner Responsibilities.**

The owner of a business shall:

- (a) Allow the enforcement officer or any duly authorized representative, after proper identification, to enter during business hours, to inspect, and to make as many additional inspections or re-inspections as are necessary for the enforcement of this chapter.
- (b) Require all practitioners working within the business to show proof of registration with the LEA by posting a valid Certificate of Registration at the practitioner's workstation.
- (c) Continuously maintain a record of all persons performing any activity within the business that is regulated by this chapter. The record shall include at a minimum the following information:
- (1) Full name.
  - (2) Date of birth.
  - (3) Home address.
  - (4) Home and other phone number.

(5) Email address if available.

(6) Photograph of practitioner.

(7) Copy of registration with the LEA.

(8) Complete description of all tattooing, body piercing or permanent cosmetics procedures performed by the practitioner.

(d) Maintain a current copy of this chapter at the business for use by practitioners.

(e) Develop and maintain an Exposure Control Plan as specified in article 5. All practitioners practicing within the same business location shall operate under one Exposure Control Plan developed by the owner of the business.

**Section 6754. One Hundred Percent Pre-sterilized Businesses.**

The owner of a business that uses only purchased pre-sterilized instruments as defined in Section 6728 shall comply with all of the Sections of this chapter with the exception of the Sections relating to sterilization of instruments.

(a) A business that uses only single use purchased pre-sterilized instruments for the application of permanent cosmetics shall not be required to have LEA approved sterilization equipment.

(b) In place of the requirements for maintaining sterilization records, the following records must be kept and maintained at the business and shall be made available at all times to the Enforcement Officer:

(1) An accurate inventory of all purchased pre-sterilized instruments by name with the date purchased and the quantity on hand.

(2) Invoices for the purchase of all purchased pre-sterilized instruments.

(c) A bound log of all procedures performed shall be maintained. The log shall contain in addition to the information required in Section 6739 (c), a list of all purchased pre-sterilized instruments used for each client procedure.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303 and Health and Safety Code.

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**Section 6755. Business Site Standards.**

- (a) All floors, walls and ceilings in the service room and the cleaning room shall be smooth and easy to clean.
- (b) The business must be maintained free of insect and rodent infestation.
- (c) All surfaces in the service room, including but not limited to, counters, cabinets, chairs, and dispensers must be made from smooth non-porous material that is able to withstand repeated cleaning and disinfecting.
- (d) The business must provide lighting with a light source of at least one hundred (100) foot-candles of light in the service room and cleaning room measured at a height of 36 inches from the floor.
- (e) Workstations must be provided with at least one hundred fifty (150) foot-candles of light at the procedure level.
- (f) Tattooing, body piercing and permanent cosmetic activities must be conducted in a room separated by a closed door from nail and hair activities to prevent contact with fumes, hair spray and nail dust.

(g) Every workstation must have unimpeded access to a hand sink without having to open a door. The sink must be supplied with hot and cold running water that is delivered via a mixing type faucet, and must be operated by wrist, knee or foot action. Each sink shall be supplied with liquid soap and single use paper towels dispensed from a sanitary dispenser.

(h) The cleaning room shall have a biohazard sink that is at least 18 inches by eighteen inches with a depth of at least twelve inches that is used for cleaning contaminated instruments and for dumping mop water.

(i) Pets or other animals shall not be permitted in the business, except for trained guide or assistance animals for the disabled, and fish in an aquarium in the waiting area.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119303 and 119306, Health and Safety Code.

**Article 12. Temporary Businesses.**

**Section 6756. Conventions and Educational Demonstrations.**

Conventions and educational demonstrations that operate no more than 7 days in a 90 day period shall be considered to be temporary businesses.

- (a) The event organizer for such an event shall be responsible for ensuring that the event is run in a manner that is safe for the practitioner(s), the client(s), and the public, and shall do the following:
- (b) Provide a list of all practitioners participating in the event that includes the following information:
- (1) Name of exhibitor/practitioner.
  - (2) Photo of the practitioner/exhibitor.
  - (3) Date of birth.
  - (4) Home address.
  - (5) Business name.
  - (6) Business address.
  - (7) Home/work telephone numbers.
  - (8) Email address if available.
  - (9) Description of procedures to be performed at the event.

(10) Date, description of any bloodborne pathogen training taken.

(11) Copy of any current LEA registrations.

(c) Provide proof of registration with the LEA for all practitioners participating in the event.

(d) Provide a layout of the event floor showing where the practitioners will be performing tattooing, body piercing or the application of permanent cosmetics.

(e) Request that any practitioner who performs tattooing, body piercing or the application of permanent cosmetics bring enough pre-sterilized instruments and supplies to last for the whole event.

(f) Provide a separate cleaning and sterilization room as a back up for use by practitioners who have used all of the pre-sterilized instruments and supplies that were brought to the event. If used, the cleaning and sterilization room will be disinfected at the close of the event.

(g) Provide an LEA approved autoclave that has certification of a negative spore test within 30 days prior to the event.

(h) Provide for pick-up and disposal of contaminated waste in a manner that is approved by the LEA.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119304, Health and Safety Code.

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**Section 6757. Demonstration Booths.**

A demonstration booth shall be considered to be a workstation, and shall meet the following minimum conditions:

- (a) Be at least ten feet by ten feet, and be constructed in a manner to separate the practitioner from the public in such a way as to protect the procedure area from contamination, and to prevent accidental exposure of the public to potentially infectious materials created during tattooing, body piercing or permanent cosmetics procedures.
- (b) Have a floor and sides that are smooth, non-porous and easy to clean.
- (c) Have at least one hundred fifty (150) foot-candles of light available at the level where the practitioner is performing tattooing, body piercing or the application of permanent cosmetics.
- (d) Be equipped with a hand wash facility and hand sanitizer. A hand wash facility at the minimum consists of liquid antibacterial soap, single use paper towels, and an insulated five-gallon container with a lever-type spigot, filled with warm water, and a bucket to catch the wastewater. The water container shall be placed at least 30 inches off the floor to allow for easy use, and shall be filled regularly to ensure an adequate supply of warm water for hand washing.

(e) Shall be supplied with an adequate supply of barrier film to protect equipment, pigment supply bottles, and any other item that must be protected to prevent cross-contamination.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Section 119300 and 119303, Health and Safety Code.

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**Article 13. Mobile Businesses.**

**Section 6758. Business Owner.**

- (a) The owner of a mobile tattooing, body piercing or permanent cosmetics business must meet the same requirements as a person who owns a stationary business.
- (b) The owner shall be registered with the LEA in each county in which the business is operated, and must commit to meet the requirements of this chapter.
- (c) The owner of a mobile business shall perform all tattooing, body piercing, and permanent cosmetics inside a vehicle that is used only as a mobile body art business.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

**Section 6759 Vehicles.** A vehicle used as a mobile business for tattooing, body piercing or permanent cosmetics shall meet the following minimum standards:

- (a) The vehicle shall be equipped with a sink for the exclusive use of the practitioner for hand washing and client preparation.



- (b) The hand sink shall be provided with an adequate supply of hot running water at least 120°F, and cold running water less than 101°F through a mixing-type faucet with wrist action handles.
- (c) The hand sink shall be supplied with hand cleanser and single use paper towels dispensed from sanitary dispensers.
- (d) The vehicle shall have a biohazard sink that is at least 18x18x12 inches. The biohazard sink shall be used exclusively for the cleaning of reusable instruments.
- (e) All liquid wastes shall be stored in a storage tank with a capacity at least fifty (50) percent greater than the capacity of the on-board potable water, and shall be discharged into the sewer as necessary.
- (f) Doors shall be self-closing and tight fitting. Operable windows shall have tight fitting screens.
- (g) The vehicle shall be used exclusively for performing tattooing, body piercing or the application of permanent cosmetics. No habitation or cooking shall be permitted.

- (h) The mobile business must have sterilization equipment that meets the requirements in Section 6750.
  
- (i) Any on-board restroom must be supplied with hot and cold running water as in the above Section (b), and shall be supplied with toilet paper, hand cleanser and single use paper towels.
  
- (j) If the vehicle lacks an on-board restroom, the owner shall not operate the business unless it is within 200 feet of a public restroom.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303 and 119306, Health and Safety Code.

**Article 14. Enforcement.**

**Section 6760. Enforcement Officer and Enforcement.**

(a) Enforcement Officers are charged with the enforcement of all the provisions of this chapter. An enforcement officer is authorized to enter, inspect, impound, copy records, and to secure any samples, photographs, or other evidence from any tattoo, body piercing, or permanent cosmetics business, or any place suspected of being a tattooing, body piercing or permanent cosmetics business for the purpose of enforcing this chapter.

(b) A Certificate of Registration may be suspended or revoked by the LEA at any time after due process as specified in Sections 6795 (c)-(d).

(1) A Certificate of Registration may be suspended by the LEA for failure to submit an annual inspection fee.

(2) A Certificate of Registration may be suspended for failure to correct violations on an Official Notice of Violation within a specific time period.

(3) A Certificate of Registration may be suspended for failure to comply with the conditions set forth at an administrative hearing.

(4) A Certificate of Registration may be revoked, and the owner shall be subject to a civil penalty of five hundred dollars (\$500) per violation if the practitioner shows an inability or unwillingness to correct violations and comply with this chapter.

(c) Notwithstanding the other provisions of this chapter, if the Enforcement Officer finds any unsafe practices or unsanitary conditions in the operation of a tattooing, body piercing or permanent cosmetics business which constitute an imminent danger to the public, the Enforcement Officer shall:

(1) Serve an order upon the owner, manager or practitioner citing such conditions and specifying the corrective action(s) to be taken within fifteen (15) days or less as designated by the Enforcement Officer.

(2) In the event of a suspension of the practitioner's Certificate of Registration, the notice shall specify the violations for which owner is charged, and shall state the terms of the suspension and the terms under which the Certificate of Registration can be reinstated.

(3) Such order may state that the practitioner's Certificate of Registration is immediately suspended and all tattooing, body piercing and permanent cosmetics procedures are to be discontinued forthwith.

(4) Any person to whom such an order is issued shall comply immediately.

(5) The Enforcement Officer shall provide any person who has had their Certificate of Registration suspended an opportunity to appeal the suspension before a Hearing Officer within fifteen (15) days, to prove that violations have been corrected so that the practitioner's certificate of registration can be reinstated.

(d) The Hearing Officer shall receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the hearing.

(1) The Hearing Officer shall schedule and conduct a hearing to determine if the practitioner's Certificate of Registration shall continue to be suspended or if it shall be revoked.

(2) The Hearing Officer shall allow the practitioner to present all facts and evidence relevant to the hearing.

(3) The Hearing Officer shall decide what actions the practitioner shall take to avoid suspension or revocation of the practitioner's certificate.

- (4) When a Certificate of Registration has been suspended or revoked, the Hearing Officer shall decide if the violations causing the suspension or revocation of the certificate have been corrected.
- (5) The Hearing Officer shall reinstate a Certificate of Registration after corrections of violations causing a suspension or revocation have been corrected.
- (6) If in the opinion of the Hearing Officer, the owner is unwilling or unable to comply with this chapter, the Hearing Officer may refer the practitioner to the prosecuting attorney of the county in which the violation occurred for the collection of civil penalties pursuant to Section 119306 of the Health and Safety Code.

NOTE: Authority Cited: Sections 100275 and 119301, Health and Safety Code.

Reference: Sections 119303, 119304, 119306 and 119307 Health and Safety Code.

**Article 15. Cal/OSHA**

**Section 6761.**

Where tattooing, body piercing, or the application of permanent cosmetics involves an employer-employee relationship, the Cal/OSHA Bloodborne Pathogens Standard, General Industry Safety Orders, Section 5193, Title 8, California Code of Regulations may apply. Nothing in this chapter is intended to conflict with or preclude the application of or compliance with that standard.

**Article 16. Severability**

**Section 6762.**

In the event any particular clause of this chapter should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portion shall remain in full force and effect. Toward that end, the provisions of this chapter are declared severable.

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