

## **SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING THE SANITATION AND SAFETY OF BODY ART ESTABLISHMENTS**

WHEREAS, the Southern Nevada Health District is a public health authority organized pursuant to Nevada Revised Statutes, Chapter 439 with jurisdiction over all public health matters within Clark County, Nevada; and

WHEREAS, the Southern Nevada District Board of Health is the Southern Nevada Health District's governing body and is authorized to adopt Regulations to protect and promote the public health and safety in the geographical area subject to its jurisdiction; and

WHEREAS, in accordance with the authority granted pursuant to Nevada Revised Statutes, Chapter 439, the Board hereby adopts Regulations to attain standards that promote the sanitary and safe practice of body art and in body art establishments to prevent and control the spread of communicable disease; and

WHEREAS, the Board believes that the following Regulations are designed to protect and promote the public health and safety, it does therefore publish, promulgate and order compliance within Clark County, Nevada with the substantive and procedural requirements hereinafter set forth.

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SANITATION AND SAFETY OF BODY ART ESTABLISHMENTS**

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# Section 1

## DEFINITIONS

- 1.1 **Agency of jurisdiction** means the local building department, safety authority, fire marshal, business licensing, police or other federal, state or local health agency, federal regulatory agencies, or departments of agriculture that have jurisdiction concerning construction, operation, maintenance, and public safety of a **body art establishment**.
- 1.2 **Apprentice** means a person who is registered with the **Health Authority** to work under the direct supervision of a **body artist** in learning the occupation of body artist.
- 1.3 **Approved** means acceptable to the **Health Authority** or **agency of jurisdiction** based on compliance with the law, conformance with appropriate, accepted, or recognized industry standards and good public health practice.
- 1.4 **Bloodborne pathogen** means infectious microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV) [Occupational Safety and Health Administration [OSHA] definition at 29 CFR 1910.1030(b)].
- 1.5 **Body art** means the practice of physical body adornment by permitted **body art establishments** and **body artists** using, without limitation, the following techniques: **piercing, tattooing, camouflage**, micropigmentation, **permanent makeup**, and microblading. This definition does not include practices that are considered medical procedures or extreme body modifications, which are prohibited in **body art establishments**.
- 1.6 **Body art establishment** means a place of business, where **body art** is performed, offered, sold or given regardless of profit status of the business.
- 1.7 **Body artist** means a person issued a **body art** card under the provisions of these Regulations set forth in Section 8.
- 1.8 **Branding** means the process in which a mark or marks are burned into human skin tissue with the intention of leaving a permanent mark.
- 1.9 **Camouflage** means a method of disguising or concealing permanently blotchy or irregularly pigmented skin, acne scarring, existing **tattoos** or other permanent skin irregularities by blending pigments into the skin using **tattooing** methods or use of saline during **tattoo** procedures to cover up, mask, or alter an existing **tattoo** so that it is either rendered less noticeable or takes on a different design, thereby obliterating the original design.
- 1.10 **Class V chemical indicator** means a quality control indicator that reacts to temperature and pressure over a certain time interval to indicate **sterilization** conditions were met inside the pack.
- 1.11 **Communicable disease** means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism.
- 1.12 **Contamination** means the presence or potential presence of blood, infectious materials or other types of impure materials that have been introduced or

- potentially introduced to any work surfaces, equipment or **devices** rendering the surface, equipment or device unsafe for use.
- 1.13 **Cross-contamination** means the transfer of bacteria, viruses, microorganisms, or other harmful substances from one surface to another through improper or unsanitary **equipment**, procedures, or products.
- 1.14 **Device** means any or all instruments, apparatus and contrivances, including their components, parts and accessories, intended to pierce or create a semi-permanent or permanent mark on the skin.
- 1.15 **Disinfect** means to destroy or inhibit pathogenic and other kinds of microorganisms by physical and/or chemical means.
- 1.16 **Disinfectant** means a product that is registered with the United States Environmental Protection Agency that destroys, neutralizes or inhibits the growth of infectious microorganisms, including the human immunodeficiency virus, the hepatitis B virus and Mycobacterium tuberculosis.
- 1.17 **Environmental surface** means the surface of any furniture, **equipment**, fixtures, walls, floors, ceilings, lavatories, toilets, tables, countertops, cabinets, or similar surface which is part of a **body art establishment**.
- 1.18 **Equipment** means all machinery, containers, vessels, tools, **devices**, implements, storage areas, and sinks fixtures that are used in conjunction with the storage or application of **body art** or are used within the equipment processing room.
- 1.19 **Health Authority** means the officers and agents Southern Nevada Health District.
- 1.20 **Health permit** means the document issued by the **Health Authority** that authorizes a person to operate a **body art establishment**.
- 1.21 **Hot water** means water temperature between 90 degrees and 120 degrees Fahrenheit (°F).
- 1.22 **Jewelry** means any personal ornament inserted into a pierced area.
- 1.23 **Journey body artist** means a person who has held a **body art** card for four or more years.
- 1.24 **Linens** means sheets, covers, blankets, pillowcases, drapes, towels, or any other similar item used to cover a table, mat, or a **patron** during a **body art** procedure.
- 1.25 **Nuisance** includes any unlawful act(s) or omission(s), which annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons, offends public decency, or in any way renders a considerable number of persons insecure in life or the use of property as defined by NRS 202.450.
- 1.26 **Owner** means any person, individual, partnership, corporation, company, association or like entity that owns, leases, or proposes to own or lease a **body art establishment**.
- 1.27 **Patron** means anyone, including employees of the **body art establishment**, who are undergoing a **body art** procedure.
- 1.28 **Permanent makeup** means a **tattoo**, whether permanent, semipermanent, or temporary, which includes eyebrows, eyelids, lips, and other parts of the body for beauty marks, hair imitation, lash enhancement, or areola re-pigmentation. This term includes any procedures whether referred to as, without limitation, permanent makeup, micro-derma-pigmentation, micro-pigment implantation, microblading, micro-needling with the use of pigment, derma-graphics,

- cosmetic **tattooing**, or any other similar procedures and for the purpose of these Regulations has the same meaning as **tattoo**.
- 1.29 **Permit holder** means the person or entity that is legally responsible for the operation of the **body art establishment**.
- 1.30 **Personnel** means anyone employed or contracted within the **body art establishment**.
- 1.31 **Piercing** means the act of penetrating the skin or mucous membranes, to make, generally permanent in nature, a hole, mark or scar.
- 1.32 **Responsible person** means the individual designated by the **permit holder** as being responsible for acting on the **permit holder's** behalf and assuring the **body art establishment** and **body artists** are in compliance with these Regulations.
- 1.33 **Sewage** means the water-carried waste created in and to be conducted away from residences, industrial establishments and public buildings.
- 1.34 **Sharps** means any object that can purposely or accidentally cut or penetrate the skin or mucosa, including without limitation pre-sterilized, single-use needles; scalpel blades; and razor blades.
- 1.35 **Sharps container** means a closable, puncture-resistant, leakproof (on sides and bottom) container made specifically to be a **sharps container** that meets National Institute for Occupational Safety & Health standards and that can be closed for handling, storage, transportation, and disposal.
- 1.36 **Spore test** means a bacterial endospore test designed to assess whether **sterilization** has actually occurred. It is also known as biological **spore test** or biological spore monitor.
- 1.37 **Solid waste** means all waste that is not liquid waste or biohazardous waste generated by the facility.
- 1.38 **Special event** means a public gathering that is temporary and held for a specific purpose, and which includes **body art** activities.
- 1.39 **Standard precautions** mean the minimum infection prevention practices that apply to all individual care, regardless of suspected or confirmed infection status of the **patron** or **body artist** in any setting where **body art** is delivered. These practices are designed to protect both the **body artist** and **patron** from spreading **communicable diseases**. **Standard precautions** include hand hygiene, use of personal protective equipment (e.g., gloves and masks), cough etiquette, the safe handling of **sharps**, the use of sterile instruments and **devices**, and ensuring CLEAN, **disinfected environmental surfaces**.
- 1.40 **Sterilize** means a cleaning process which results in the total destruction of all forms of microbial life.
- 1.41 **Sterilizer** means an autoclave or similar device that can **sterilize** reusable equipment using heat, pressure or chemicals and meets ANSI/AAMI ST79 as described in NAC 444.00759.
- 1.42 **Tattoo** means any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of permanent cosmetics.
- 1.43 **Ultrasonic cleaner** means any medical grade machine that uses ultrasonic acoustic wavelengths and aqueous solutions to remove **contamination** from instruments.



- 1.44 **Visiting body artist** means a **body artist** who does not reside or routinely operate within the jurisdiction of the **Health Authority**, but who may occasionally perform **body art** procedures during a limited timeframe in a sponsoring **body art establishment**. Such individuals must be sponsored by a **body art establishment**, which holds a current **health permit** in good standing issued by the **Health Authority**.
- 1.45 **Workstation** means an area where **body art** procedures are performed.
- 1.46 **Waiver** means a written agreement between the **Health Authority** and the **permit holder** that authorizes a modification of one or more regulatory requirements in these Regulations and has no impact on the health and safety of **patrons**.

## Section 2

# IMMINENT HEALTH HAZARDS TO PUBLIC HEALTH AND SAFETY

- 2.1 Imminent hazards to public health and safety include, but are not limited to:
  - 2.1.1 Substantial damage to the **body art establishment** caused by accident, or natural disaster, such as earthquake, wind, fire, rain, or flood.
  - 2.1.2 Loss of electrical power to critical systems, such as lighting or sterilization **equipment** for a period of two or more hours.
  - 2.1.3 A water outage that impacts the **body art establishment** for a period of two or more hours.
  - 2.1.4 A water supply that is not approved by the **Health Authority** or which has a cross connection, back flow, or back siphonage condition.
  - 2.1.5 **Sewage** that is not disposed of in an **approved** and sanitary manner.
  - 2.1.6 Nonfunctioning or lack of toilet or hand washing facilities.
  - 2.1.7 Infestation, harborage, or propagation of vermin.
  - 2.1.8 The presence of toxic or noxious gases, vapors, fumes, mists, or particulates in concentrations immediately dangerous to life or health, or in concentrations sufficient to cause harm or a public **nuisance**.
  - 2.1.9 A **body artist** or other employee infected with a **communicable disease** that can be transmitted as a result of performing the body art procedure.
  - 2.1.10 **Responsible persons** or **body artists** not practicing strict standards of cleanliness, personal hygiene, and **standard precautions**.
  - 2.1.11 **Equipment** that by condition, design, construction, or use poses an immediate risk of entrapment, fall, pinch, crush, tip, or other cause of injury.
  - 2.1.12 **Environmental surfaces**, furnishings, mats, procedure tables, pillows, cushions, **linens**, robes, garments, chairs, or other items within **body art establishment** that are stained with blood or bodily fluids, soiled, or infested with vermin; or are in an otherwise unsanitary condition.
  - 2.1.13 The presence of uncontrolled **solid waste** within or on the premises of a **body art establishment** in quantity and duration as to create a **nuisance**.
  - 2.1.14 Improper disposal of biohazardous waste or **sharps**.
  - 2.1.15 Any sharp instrument such as a needle or razor that is not appropriately placed in a **sharps container** immediately after use.
  - 2.1.16 Reuse of single-use **equipment** or pigments on another **patron** or on the same **patron** during a different **body art** session.

- 2.1.17 Lack of properly **sterilized** instruments, **equipment** or needles that come in contact with pigment or the skin.
  - 2.1.18 A lack of adequate, currently tested, and fully functional **sterilization equipment** on the premises unless exclusively using pre-**sterilized equipment**, instruments or needles.
  - 2.1.19 Any other item determined to be an imminent health hazard by the **Health Authority**.
- 2.2 Presence of imminent health hazard  
If the imminent health hazard affects people or is unmitigated, then the **permit holder** or **responsible person** must
- 2.2.1 Immediately notify the **Health Authority** by either phone or e-mail.
  - 2.2.2 Cease operations of the **body art establishment** until the hazard can be mitigated.
  - 2.2.3 Notify the **Health Authority** once the hazard has been mitigated and that the facility will be resuming operation.
  - 2.2.4 Failure to notify **Health Authority** may result in summary suspension of the **health permit**.

## Section 3 FACILITIES AND EQUIPMENT

### 3.1 Body art workstations

- 3.1.1 Each **body artist** must have a **workstation** which has a minimum area of 80 square feet.
- 3.1.2 Each **body art establishment** must have at least one **workstation** that can be screened from the public and other **patrons** to provide privacy.

### 3.2 Floors, Walls, Ceilings

- 3.2.1 Floors, walls, and ceilings less than 10 feet high in **workstations** or restrooms must be made of a smooth, durable, nonabsorbent, nonporous material that is easily **cleanable**.
- 3.2.2 Carpet is prohibited in **workstations** and **restroom** areas.
- 3.2.3 Floors must be kept clean and in good repair and **disinfected** if contaminated with bodily fluids or other biohazardous spills.
- 3.2.4 The materials used in constructing the walls and ceilings must be joined along the edges so there are no open spaces or cracks.
- 3.2.5 Floor and wall junctures in **workstations** and restroom areas must be covered.
- 3.2.6 Studs, joists, rafters, and beams, if under 10 feet high, must not be left exposed in **body art** work areas or restrooms.
- 3.2.7 The **body art establishment** must be separated from any food establishment or room where food is prepared, or any adjacent businesses by walls extending from floor to ceiling.
- 3.2.8 The **body art establishment** cannot be located within a private residence, including, without limitation, an apartment, condominium or other multi-family dwelling or a single-family dwelling.

### 3.3 Furniture

- 3.3.1 Tables, chairs, cushions or any similar items used in the **workstation** must be constructed of smooth, durable, and easily cleanable material that is free of cuts and tears.

### 3.4 Lighting

- 3.4.1 At least 50 lumens per square foot of light must be provided in the **workstation** at the level where the **body art** work is to occur. At least 20 lumens per square foot of light, measured at 30 inches above the floor, shall be provided in all other areas of the **body art establishment**.
- 3.4.2 Overhead lights and lights used in the **body art workstations** must be shielded or constructed of shatterproof materials.

### 3.5 Hand sinks

Hand sinks must:

- 3.5.1 Be permanently plumbed to potable water and sewer,
- 3.5.2 Provide cold and **hot water**,
- 3.5.3 Be supplied with liquid soap and single-use paper towels in dispensers and
- 3.5.4 Be sized at a minimum of 10 inches by 10 inches by 8 inches deep to prevent **contamination** of the areas outside of the sink basin.
- 3.5.5 Lined, covered **solid waste** containers must be provided adjacent to each hand sink. These containers must have self-closing lids with hands-free control and must be easily cleanable, kept clean, and be emptied daily.

Hand sinks in **workstations**

- 3.5.6 **Workstation** hand sinks must be unobstructed (e.g., no doors), such that the **body artists** can easily access the hand sinks without having to touch any surface with their hands while travelling to and from the hand sink.
- 3.5.7 A minimum of one hand sink for every four **workstations** is required.
- 3.5.8 The maximum distance from any procedure table to a **workstation** hand sink is 15 feet unless otherwise **approved** by the **Health Authority**.

Hand sinks in restrooms

- 3.5.9 All restrooms must have a hand sink that meets the requirements of sections 3.5.1 to 3.5.5.

### 3.6 Water supply

- 3.6.1 The water supply for each **body art establishment** must be from a permitted public water system.

### 3.7 Plumbing

- 3.7.1 The plumbing system must be installed and maintained in such a manner that there is no cross connection between potable and non-potable water systems.
- 3.7.2 Adequate backflow or back siphonage protection must be installed on the water system in compliance with all applicable codes.
- 3.7.3 Plumbing fixtures must be permanently installed in compliance with all applicable codes.

### 3.8 **Sewage** Disposal

- 3.8.1 **Sewage** must be disposed of by means of an approved municipal sewer system or other permitted **sewage** Disposal System which is **approved** by the **Health Authority**.
- 3.8.2 **Sewage** spills must be remediated in a manner that eliminates potential

disease transmission, offensive odors, **sewage** solids, and **sewage** litter.

- 3.8.3 **Sewage** discharge, sewer pipe leaks, spills, or backflow onto the ground must be stopped and/or contained within four hours and the **body art establishment** must cease operations until the leak, spill, or backflow has been remediated

### 3.9 Solid waste disposal

- 3.9.1 Each **body art establishment** must have waste receptacles of sufficient number and size inside the establishment to store **solid waste** so that the waste does not exceed the capacity of the containers

- 3.9.2 Indoor waste receptacles must be:

- 3.9.2.1 Emptied at a frequency that prevents waste from becoming a **nuisance**.

- 3.9.2.2 Lined and maintained clean.

- 3.9.2.3 At least one waste receptacle must be located within each **workstation** and **equipment** processing room.

- 3.9.3 Outside waste receptacles must be:

- 3.9.3.1 Designed and constructed to have tight-fitting lids, doors, or covers.

- 3.9.3.2 Constructed and installed so that accumulation of debris, and pest attraction and harborage, are minimized and effective cleaning of the area can be performed,

- 3.9.3.3 Emptied at a frequency so that the waste receptacle does not become a **nuisance**.

### 3.10 Biohazardous waste disposal

- 3.10.1 Each **body art establishment** must implement a written operating plan to manage biohazardous waste in accordance with these Regulations. This written operating plan must be available for review by the **Health Authority** and **body art establishment** personnel. The operating plan must include the following:

- 3.10.1.1 Description of training for **personnel** and **body artists** on handling and disposal of biohazardous waste;

- 3.10.1.2 Procedures for segregating, labeling, packaging, transporting, storing, and treating biohazardous waste;

- 3.10.1.3 Procedures for decontaminating biohazardous waste spills;

- 3.10.2 **Body art establishments** that offer both **tattooing** and **piercing** services must include waste management procedures specific to each specialty, if procedures vary. The written operating plans must be updated when Regulations, **body art establishment** policies, or

procedures change.

- 3.10.2.1 Each **permit holder** or **responsible person** must train new **personnel** on the operating plan as part of their work responsibilities. This training must be provided prior to commencement of duties. Refresher training must be completed annually by all **personnel**.
- 3.10.2.2 All biohazardous waste management records must be maintained onsite for 3 years and must be available for review by the **Health Authority**.
- 3.10.3 Biohazardous waste which may release liquid blood or bodily fluids when compressed or may release bodily fluids when handled must be contained in an appropriate red or orange bag and labeled with the international biohazard symbol. The bag and its waste must then be disposed of by a waste hauler authorized to dispose of biohazardous waste. Contaminated waste which does not release liquid or dried bodily fluids when handled may be contained in a covered receptacle and disposed of through normal, **approved** disposal methods.
- 3.10.4 Surfaces contaminated with biohazardous waste must be decontaminated as part of the cleaning process.
- 3.10.5 In the event of blood flow, products used to absorb blood, must be
  - 3.10.5.1 single-use and
  - 3.10.5.2 If considered a biohazardous waste as described in 3.10.3 be disposed of immediately after use in covered biohazardous waste containers
- 3.10.6 Gauze or other absorbent material used to absorb fluids during the process of **tattooing**:
  - 3.10.6.1 can be used continuously until the session ends or the material is no longer absorbing; and
  - 3.10.6.2 must be properly disposed of.
- 3.10.7 Storage and Containment
  - 3.10.7.1 Bags: Biohazardous waste (except **sharps**) must be packaged and sealed at the point of origin in impermeable, red plastic bags. The international biological hazard symbol must be at least 6 inches in diameter on bags 19 by 14 inches or larger, and at least 1 inch in diameter on bags smaller than 19 by 14 inches.
  - 3.10.7.2 Storage: Storage of biohazardous waste in the **body art establishment** must not exceed 30 days. The 30-day period begins when the first item of biohazardous waste is placed into a red bag or when a **sharps container** is

- sealed.
- 3.10.7.3 Storage areas for biohazardous waste must have restricted access and be designated in the written operating plan. They must be located away from pedestrian traffic, be pest free, and be maintained in a sanitary condition.
  - 3.10.7.4 Containment: Packages of biohazardous waste must remain sealed until picked up by biohazardous waste hauler, except when compacted in accordance with the requirements of these Regulations. Ruptured or leaking packages of biohazardous waste must be placed into larger packaging without disturbing the original seal.
  - 3.10.7.5 All packages containing biohazardous waste must be visibly identifiable with the international biological hazard symbol and one of the following phrases: "biohazardous waste," "biohazard," "infectious waste," or "infectious substance." The symbol must be red, orange, or black and the background color must contrast with that of the symbol or comply with the requirements cited in 29 CFR subparagraph 1910.1030(g)(1)(B) and (C), Occupational Exposure to **Bloodborne Pathogen** Standard.

### 3.11 **Sharps** and **sharps containers**

- 3.11.1 **Sharps** must be discarded at the point of origin into an approved **sharps container**. **Sharps containers** must be sealed when full. A **sharps container** is considered full when materials placed into it reach the designated fill line.
- 3.11.2 Permanently mounted **sharps container** holders must bear the phrase and the international biological hazard symbol if this information on the **sharps container** is concealed by the holder/mount.
- 3.11.3 All outer containers must be rigid, leak resistant and puncture resistant. Reusable outer containers must be constructed of smooth, easily cleanable materials and must be decontaminated prior to replacing the inner container.
- 3.11.4 The international biological hazard symbol must be at least 6 inches in diameter on outer containers 19 by 14 inches or larger, and at least 1 inch in diameter on outer containers less than 19 by 14 inches.
- 3.11.5 A **sharps container** must be provided in each **workstation** for disposal of sharp objects that come in contact with blood and/or bodily fluids.
- 3.11.6 **Sharps containers** must be properly disposed of as described in the written operating plan required by these Regulations.

### 3.12 Labeling



- 3.12.1 Biohazardous WASTE bags and **sharps containers** must be labeled with the name and address of the **body art establishment** and address.
- 3.12.2 If a bag or **sharps container** is placed into a larger bag prior to transport, the label for the exterior bag must comply with the same labeling requirements listed above.
- 3.13 **Equipment** processing room
  - 3.13.1 This Section does not apply to **body art establishments** that exclusively use prepackaged, single-use, **sterilized equipment** and supplies.
  - 3.13.2 **Equipment** processing and sterilization must be performed in a separate room that meets the following requirements:
    - 3.13.2.1 Separated and isolated from the **work stations**, lounging areas, retail areas, food preparation or other activities that may cause **contamination** of **equipment** or work surfaces,
    - 3.13.2.2 Properly identified with signs that include the universal symbol for biohazard waste and secured to prevent unauthorized persons from entering.
    - 3.13.2.3 Surfaces, cabinets and drawers made of smooth nonporous, nonabsorbent easily cleanable materials.
    - 3.13.2.4 Has distinct, separate areas for the cleaning, wrapping, packaging, handling and storage of **sterilized equipment**.
    - 3.13.2.5 Equipped with at least one, two-compartment utility sink with cold and **hot water** used exclusively for cleaning and **disinfecting** instruments.
      - 3.13.2.5.1 The utility sink must not be used for hand washing.
      - 3.13.2.5.2 3.13.2.5 does not apply to **body art establishments** constructed prior to the effective date of these Regulations.
    - 3.13.2.6 Equipped with an **ultrasonic cleaner** that must be covered during the cleaning process to minimize aerosolization of its contents and is of sufficient size to fully submerge the largest instruments being **sterilized**.
    - 3.13.2.7 Equipped with a **sterilizer**.
    - 3.13.2.8 Equipped with a sterilization log.
    - 3.13.2.9 A copy of the operational manuals for all sterilization and cleaning **equipment** must be kept on the premises of the establishment.

- 3.13.2.10 Provide a physical separation of at least 18 inches between the each of the following; **sterilizer, ultrasonic cleaner** and utility sink used for rinsing and scrubbing contaminated tools. Subsequent to **Health Authority** approval, a nonporous barrier may be installed to prevent **cross-contamination**.
- 3.13.2.11 No other services such as retail sales, **piercing** or **tattooing** must occur within the equipment processing room.
- 3.13.3 **Equipment** and **devices** used to clean and **sterilize body art** materials and reusable instruments must be suitable for their intended use. The **equipment** and **devices** must be, kept clean, well maintained and used according to manufacturer's instructions.

## Section 4

# GENERAL SANITATION

### 4.1 Public areas

The entire premises of the **body art establishment** must be kept clean, sanitary and in good physical condition at all times.

4.1.1 The **body art establishment** must be free of pests, including insects, rodents, and vermin.

4.1.2 **body art establishments** must be in compliance with the Nevada Clean Indoor Air Act, NRS 202.2483.

### 4.2 Service animals

No animals of any kind are allowed in a **body art establishment** except service animals used by persons with disabilities in accordance with the Americans with Disabilities Act of 1990 Regulations and fish in aquariums.

### 4.3 Cleaning and **disinfecting**

4.3.1 Furniture, fixtures, surfaces and **equipment** which cannot be submerged in liquid, including, without limitation, the motor housing of a tattoo machine, must be cleaned in accordance with the manufacturer's directions then **disinfected** by manually wiping the surface with a **disinfectant**.

4.3.2 **Disinfectant** must be used in accordance with the manufacturer's instructions, including, prescribed contact time.

4.3.3 All reusable instruments are to be cleaned and **sterilized** after each use in the **equipment** processing room. Instruments must be:

4.3.3.1 Soaked in an enzymatic or other appropriate cleaning solution, scrubbed to remove debris,

4.3.3.2 Rinsed and inspected,

4.3.3.3 Processed through an **ultrasonic cleaner**,

4.3.3.4 Rinsed,

4.3.3.5 Air-dried before being stored in a clean place or before sterilization,

4.3.3.6 inspected for wear and cleanliness, and

4.3.3.7 If needed, placed in a sealed sterilization package with a **class V chemical indicator** or class VI chemical indicator.

4.3.3.8 Items 4.2.3.1-4.2.3.6 may be accomplished using an automated instrument washer.

### 4.4 Sterilization

4.4.1 **Sterilizers** must be kept clean, in good working order and must be operated in the equipment processing room.

- 4.4.2 After being cleaned, all reusable instruments must be **sterilized** by one of the below methods:
  - 4.4.2.1 Contained in sterilization packaging and subsequently **sterilized**, then stored or
  - 4.4.2.2 If unwrapped or unpackaged, subsequently **sterilized**, then used immediately.
- 4.4.3 After the sterilization process is complete,
  - 4.4.3.1 The sterilization indicators must be inspected to determine if the **equipment** was adequately processed.
  - 4.4.3.2 The packages, if used, must be marked with date of sterilization and the initials of the person who performed the sterilization.
  - 4.4.3.3 If the **sterilized** tools are not immediately used, they must be stored inside their sterile packages and placed in a cabinet, drawer, or tightly covered container used only for the storage of packaged, **sterilized** instruments.
  - 4.4.3.4 At the conclusion of the sterilization cycle, the following information must be written into the sterilization log:
    - 4.4.3.4.1 The date of the load;
    - 4.4.3.4.2 A list of the contents of the load;
    - 4.4.3.4.3 The exposure time and temperature;
    - 4.4.3.4.4 Name of the individual performing the sterilization; and
    - 4.4.3.4.5 For cycles of positive biological indicators, how the items were cleaned and proof of a negative test before reuse
- 4.4.4 **Equipment** packed in peel-packs or heat-sealed plastic and **sterilized** in house will be considered sterile for a maximum of three months. Commercially available single-use ethylene oxide or gamma radiation **sterilized equipment** must be used in accordance with the manufacturer's recommendations and expiration dates.
- 4.4.5 **Sterilizers** are not required in **body art establishments** that exclusively use prepackaged, single-use, **sterilized equipment** and supplies and are **approved** by the **Health Authority** to operate without a **sterilizer**.
- 4.4.6 **Body art establishments** that do not use prepackaged, single-use, **sterilized equipment** and supplies will need to meet the requirements of this sections 3.14, 4.4 and 4.5 of these Regulations. Installation of **equipment** to meet the requirements must be done in compliance with section 10.3 of these Regulations.

## 4.5 Sterilizer testing

- 4.5.1 This Section does not apply to **body art establishments** that exclusively use prepackaged, single-use, **sterilized equipment** and supplies.
- 4.5.2 The **sterilizer** must be tested after the initial installation, any subsequent service or repair and at least once each month using a **spore test**. The **spore test** must be verified by an independent laboratory.
- 4.5.3 Two years of **spore test** records must be kept on premises available for immediate review. Three years of **spore test** records must be available to the **Health Authority** upon request. The most recent test must be made available to the public upon request.
- 4.5.4 The operator of the **sterilizer** must verify the **spore test** is not expired prior to use.
- 4.5.5 The **sterilizer** must be loaded, operated, and maintained according to the manufacturer's specifications.
- 4.5.6 Procedure for Responding to a Positive **spore test**
  - 4.5.6.1 If the mechanical (e.g., time, temperature, pressure) and chemical (internal or external) indicators suggest that the **sterilizer** is not functioning properly, the **sterilizer** must be removed from service and sterilization operating procedures reviewed to determine if operator error could be responsible.
  - 4.5.6.2 Procedures taken to remedy the situation must be documented in the sterilization log referenced in section 4.4.3.4.
  - 4.5.6.3 Reprocess all items processed since the last negative **spore test** in a separate **sterilizer** that has negative **spore test** results.
  - 4.5.6.4 Retest the **sterilizer** with a **spore test** and appropriate mechanical, and chemical indicators after correcting any identified procedural problems.
  - 4.5.6.5 If the repeat **spore test** is negative, and mechanical and chemical indicators are within normal limits, the **sterilizer** may be put back in service.
  - 4.5.6.6 The following are required if the repeat **spore test** is positive:
    - 4.5.6.6.1 The **sterilizer** must be removed from service until it has been inspected or repaired and the exact reason for the positive test has been

determined. Repairs must be performed by a factory authorized service professional, who is certified to repair and maintain the specific **sterilizer** being serviced.

4.5.6.6.2 Before placing the **sterilizer** back in service, rechallenge the **sterilizer** with biological indicator tests in three consecutive empty chamber sterilization cycles after the cause of the **sterilizer** failure has been determined and corrected.

#### 4.6 Single-use **equipment**

4.6.1 Single-use, prepackaged, pre-**sterilized equipment** and supplies must be obtained from commercial suppliers or manufacturers.

4.6.1.1 Maintain receipts of purchase for all disposable, single-use and pre-**sterilized** instruments for a minimum of 90 days after use.

4.6.1.2 Receipts must be made available to the **Health Authority** upon request.

4.6.2 Single-use items must not be reused for any reason.

4.6.3 Single-use items must not be re-**sterilized** if expired.

4.6.4 Single-use items must be kept dry, and stored in a closed cabinet, drawer, or tightly covered container reserved for the storage of such items.

4.6.5 The **Health Authority** must be notified by the **permit holder** in writing before a **body art establishment** changes from using single-use **equipment** to reusable **equipment**.

4.6.5.1 The permit holder must provide an approved sterilizer.

4.6.5.2 The **approved sterilizer** must have a negative **spore test** that is no older than 30 days.; and

4.6.5.3 The **sterilizer** must not be used until it has been **approved** by the **Health Authority**,

4.6.5.4 Until the **Health Authority** approves the **sterilizer**, the **body art establishment** must continue to use prepackaged, single-use, pre-**sterilized equipment** and supplies.

#### 4.7 Dyes and pigments

4.7.1 All inks, dyes, and pigments must be specifically manufactured for performing **body art** procedures.

4.7.2 Inks, dyes and pigments must be used prior to expiration dates.

- 4.7.3 Inks, dyes and pigments must be commercially manufactured.
- 4.7.4 Only distilled water or sterile water dispensed from an unopened single-use container can be used for the mixing of inks, dyes, or pigments. Diluting with potable water is not acceptable. Such dilution must be single-use for the individual procedure. Immediately before a **tattoo** is applied, the quantity of the dye to be used must be transferred from the dye bottle and placed into single-use plastic cups or caps.
- 4.7.5 Upon completion of a **tattoo**, all single-use items and their contents must be discarded. Including unused portions of inks, dyes and pigments.
- 4.7.6 For individuals performing microblading or manual procedures, once the needle grouping (blade) is attached to the handpiece it cannot be removed and the entire assembly must be disposed of into the **sharps container**.
- 4.8 **Materials** used in **body art** work preparation and application
  - Materials such as mimeograph paper, markers, alcohol, lubricants, razors, etc. used in preparation for the application of a **body art** work must be kept clean and in good condition.
  - 4.8.1 All materials which are designed for multiple use (e.g., markers) must only be applied directly to clean, unbroken skin. If such materials come into contact with blood or bodily fluids, they cannot be reused and must be immediately discarded.
- 4.9 **Equipment** used for practice
  - 4.9.1 **Equipment** used for practice must be set aside in a designated location.
  - 4.9.2 Single-use **equipment** that has expired may be set aside to use for practice if the following conditions are met:
  - 4.9.3 **Equipment** is labeled “EXPIRED. FOR PRACTICE ONLY. NOT FOR USE ON PATRONS” on the outside of the container.
    - 4.9.3.1 Expired **equipment** is not to be used on **patrons**.
    - 4.9.3.2 Expired **equipment** is not kept in the same area as the **equipment** to be used for **patrons**.

## Section 5

# RESPONSIBLE PERSON, BODY ARTISTS, PERMIT HOLDERS AND VISITING BODY ARTISTS

### 5.1 Responsible person

- 5.1.1 The **permit holder** must designate a **responsible person** or persons to act on their behalf within the **body art establishment**. A **responsible person** must be present during all hours of operation and any time a **body art** procedure is being performed.
- 5.1.2 The **responsible person** must ensure that all applicable permits, certifications and licenses that are required are visible to **patrons** and the public and are properly displayed in the locations indicated by the **Health Authority** and other AGENCIES OF JURISDICTION.
- 5.1.3 The **responsible person** is held accountable for compliance with all requirements issued by all relevant state, county, and local agencies of jurisdiction where the **body art establishment** conducts business.
- 5.1.4 Violation of any one or a combination of these Regulations by the **body art establishment**, the **responsible person**, any personnel, **body artist**, or **visiting body artist** may result in the summary suspension, pending revocation, of the **health permit** and interruption of business operations while the matter is resolved with the **Health Authority**.
- 5.1.5 The **responsible person** may also act as an Event Coordinator during a **body art special event**.

### 5.2 Body artist

- 5.2.1 All **body artists** must complete training and obtain a **body art** card as described in section 8 of these Regulations prior to working as a **body artist**.
- 5.2.2 **Body artists**, while on duty, must:
  - 5.2.2.1 Utilize or wear effective hair restraints if they have hair over the ears;
  - 5.2.2.2 Have clean hands and fingernails;
  - 5.2.2.3 Wear clean outer garments; and
  - 5.2.2.4 Have good personal hygiene.
- 5.2.3 The **body artist** must be free of any skin rash, sores, viral or bacterial infection or other illness that may be transmitted to a **patron** as result of carrying out the **body art** procedure.
- 5.2.4 **Body artists** cannot perform body art services outside of the permitted **body art establishment** or **body art special event**.
- 5.2.5 **Body artists** must not perform **body art** procedures while under the influence of an intoxicating substance, including without limitation



alcohol or marijuana. Alcoholic beverages are not permitted in the **workstation**. Evidence that the **body artist** is applying **body art** while inebriated is sufficient cause for summary suspension and possible revocation of the **body art** card.

### 5.3 Permit holders

5.3.1 **Permit holders** are required to comply with the State of Nevada Occupational Safety and Health Standards for General Industry (29 CFR Part 1910.1030) regarding occupational exposure to **bloodborne pathogens**.

5.3.2 **Permit holders** or the **responsible person** are responsible for:

5.3.2.1 Ensuring that **body artists** have a current **body art** card and comply with all applicable health, safety, sanitation and sterilization Regulations of the **Health Authority** and other agencies.

5.3.2.2 Maintaining a list of all **body artists** who currently work at the establishment and who have worked at the establishment within the preceding two years. The list shall include the legal name, date of birth, residential and mailing address, phone number, description of duties, and copy of the **body art** card for each **body artist**.

5.3.3 It is the responsibility of the **permit holder** or responsible person to ensure that all personnel, contractors, and agents of the **body art establishment** understand and adhere to the Regulations.

### 5.4 Visiting body artists

5.4.1 The **permit holder** may also hire **body artists** who have been approved to work as **visiting body artists** by the **Health Authority**.

5.4.2 **Visiting body artists** from other jurisdictions must be hosted by a **body art establishment** with a valid **health permit** for a period of time no longer than 14 consecutive days.

5.4.3 Each **visiting body artist** must make application to the **Health Authority** for each time interval in which they would like to participate.

5.4.4 While performing **body art** procedures within the jurisdiction of the **Health Authority**, **visiting body artists** must comply with all applicable Regulations. Failure to do so may result in revocation of permission to participate.

5.4.5 **Visiting body artists** must not perform procedures in any location outside of the **body art establishment** or **special event** for which they are registered.

5.4.6 Once the **approved** visitation period ends, the **visiting body artist** is no longer permitted to practice **body art** in Clark County.



## Section 6 PATRONS

### 6.1 Patron age requirements and other age restrictions

- 6.1.1 The age of all **patrons** must be verified by
  - 6.1.1.1 reviewing a government issued identification document that has
    - 6.1.1.1.1 Not expired
    - 6.1.1.1.2 Contains a photograph of the **patron, and**
    - 6.1.1.1.3 Contains the **patron's** birthdate.
  - 6.1.1.2 review of the **patron's** identification must be indicated on the **patron** consent form prior to performing the procedure.
- 6.1.2 The photographic identification document of **patrons who are 21** years of age or younger must be photocopied and kept with the **patron's** paperwork.
- 6.1.3 If the **patron** is less than 18 years of age and is not an emancipated minor, the parent or legal guardian must present their photographic identification document and a copy of the proof of custody or guardianship to the **body artist** prior to the procedure. A copy of the of the photographic identification of the patron, and their parent or legal guarding along with the proof of custody or guardianship must be attached to the completed consent form.
- 6.1.4 If the client is an emancipated minor, a certified copy of the decree of emancipation issued to the minor pursuant to NRS 129.080 to 129.140, inclusive. A copy of the photographic identification and copy of the decree of emancipation must be attached to the completed consent form.

### 6.2 Patron consent form

Before administering **body art**, the **patron** must complete a **patron** consent form.

### 6.3 Contents of **patron** consent form

The **patron** consent form must contain the following:

- 6.3.1 **Patron's** name, date of birth, phone number and address;
- 6.3.2 Documentation of parental or custodial consent for **patrons** who are less than 18 years of age;
- 6.3.3 **Body artist's** name as indicated on **body art** card;
- 6.3.4 A risk notification section that provides information detailing the risks and possible consequences of a **body art** procedure must include risks including, but not limited to, the following:
  - 6.3.4.1 **Body art** can cause swelling, bruising, discomfort,

- bleeding, and pain;
- 6.3.4.2 **Body art** can cause allergic reactions;
- 6.3.4.3 **Body art** can cause irreversible changes to the human body; and **body art** has a risk of infection.
- 6.3.4.4 Any effective removal of the **body art** work may leave permanent scarring and disfigurement.
- 6.3.5 **Patron** evaluation section that asks at a minimum the following questions that evaluate **Patron's** condition for receiving **body art** without violating their medical privacy. This section must include the following statement: Consult a physician prior to the procedure if you have any concerns about any of the questions below:
  - 6.3.5.1 Have you eaten within the past 4 hours?
  - 6.3.5.2 Are you under the influence of drugs or alcohol?
  - 6.3.5.3 Have you ingested anticoagulants (such as heparin or warfarin), antiplatelet drugs, or nonsteroidal anti-inflammatory drugs (NSAIDs) (such as aspirin, ibuprofen, etc.) in the last 24 hours?
  - 6.3.5.4 Have you ingested any medication that can inhibit the ability to heal a skin wound?
  - 6.3.5.5 Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?
  - 6.3.5.6 Do you have hemophilia, epilepsy, a history of seizure, fainting, narcolepsy, or other conditions that could interfere with the **body art** procedure?
  - 6.3.5.7 Do you have a history of skin diseases that might inhibit the healing of the **body art** procedure?
  - 6.3.5.8 Do you have any **communicable diseases** (i.e., hepatitis A, hepatitis B, HIV, or any other disease that could be transmitted to another person during the procedure)?
  - 6.3.5.9 Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that could interfere with the **body art** procedure?
- 6.3.6 A work section that documents the following:
  - 6.3.6.1 Type of **body art** procedure,
  - 6.3.6.2 Location on body,
  - 6.3.6.3 Design, if applicable,
  - 6.3.6.4 **Jewelry** styles and sizes, if applicable,
  - 6.3.6.5 Expiration date and batch and/or lot number of all **sterilized equipment** used or pre-**sterilized** that will be

- applied to or inserted under the skin,
    - 6.3.6.6 Expiration date, brand, color, batch and/or lot number of all inks, dyes, and pigments used in the **body art** procedure,
    - 6.3.6.7 Date of **body art** procedure,
    - 6.3.6.8 Any complications that occurred during the **body art** procedure, and
    - 6.3.6.9 Signature of **body artist**.
  - 6.3.7 An informed consent section that includes the following:
    - 6.3.7.1 **Patrons** are voluntarily obtaining services of their own free will and volition,
    - 6.3.7.2 **Patrons** have had the opportunity to read and understand the document,
    - 6.3.7.3 **Patrons** have the ability to ask questions about the procedure,
    - 6.3.7.4 **Patrons** have received and understand written and verbal aftercare.
  - 6.3.8 The **patron** must sign a copy of the notice, or, if the **patron** is less than 18 years of age and is not an emancipated minor, the parent or legal guardian consenting to the **body art** procedure must sign the **patron** consent form.
- 6.4 **Patron** assessments
  - 6.4.1 **Body art** must not be administered to any person under the influence of drugs or alcohol. The **body artist** and **responsible person** are responsible for making reasonable observations and inquiries to determine that the **patron** is sober, and not under the influence of intoxicating substances.
  - 6.4.2 The skin surface where the **body art** will be applied must be visibly free of rash, pimples, or infection or any other visible condition which would interfere with the healing process.
- 6.5 Record keeping
  - 6.5.1 **Patron** consent forms must be:
    - 6.5.1.1 At the physical location of the **body art establishment** unless written permission is granted otherwise by the **Health Authority**;
    - 6.5.1.2 Maintained in an orderly manner, filed by month and year, to facilitate retrieval of records;
    - 6.5.1.3 Retained in print or digital form for a minimum of three years;
    - 6.5.1.4 Kept on premises for a minimum of two years; and

6.5.1.5 Made available to the **Health Authority** upon request.

## Section 7

# BODY ART PROCEDURES

### 7.1 General procedures

- 7.1.1 Aseptic techniques must be used for all **body art** procedures and when handling any clean or **sterilized body art equipment**.
- 7.1.2 Before performing **body art** procedures, **body artists** must thoroughly wash their hands in a hand sink in the following manner:
  - 7.1.2.1 Remove all rings, watches, and bracelets surrounding hands. Turn on warm water, wet hands, and apply soap;
  - 7.1.2.2 Rub hands together, outside the stream of water, for 20 seconds while making a soapy lather;
  - 7.1.2.3 Rinse hands with fingers pointed up toward the faucet and rinse down to your wrists; and
  - 7.1.2.4 Pat dry with a clean disposable towel.
- 7.1.3 Use a new clean disposable towel to turn off the handles of the sink.
- 7.1.4 **Body artists** must wash their hands if, at any point, there is an interruption which causes the procedure to cease. Upon returning to the **patron**, **body artists** must again wash their hands before donning fresh gloves.

### 7.2 Glove use

- 7.2.1 During **body art** procedures and prior to handling **sterilized equipment**, **body artists** must wear latex, nitrile or vinyl exam gloves. These gloves must be discarded after each procedure to prevent **cross--contamination** and when damaged, or when interruptions occur in the procedure.
  - 7.2.1.1 Prior to, during, and after a **body art** procedure, the **body artist** must wear exam gloves and use aseptic techniques to ensure that the instruments and gloves are not contaminated. This includes, but is not limited to:
    - 7.2.1.1.1 When setting up the procedure area. This set up includes touching containers, ink bottles barrier films, and exteriors of sterile packaging.
    - 7.2.1.1.2 When prepping skin, applying stencils, or drawing designs on the skin.
    - 7.2.1.1.3 Once the procedure is completed, cleaning or applying dressings to the procedure site.
    - 7.2.1.1.4 When tearing down and **disinfecting** the procedure area.

### 7.3 Preparing for **tattoo** procedure

7.3.1 All **body art workstations**, surfaces of **equipment**, furnishings, and articles used during a **body art** procedure must be covered with a protective, impermeable barrier. Barriers must be single-use and discarded after each **patron**.

7.3.2 If shaving is necessary, single-use razors or safety razors with single-service blades must be used. Blades must be discarded in an appropriate **sharps container** after each use, and reusable holders must be **sterilized** after use.

7.3.3 Before a **tattoo** procedure is performed, the procedure site must be prepped with an antiseptic in accordance with the manufacturer's instructions.

7.3.4 Substances applied to the **patron's** skin to transfer designs from a stencil or paper must be dispensed from containers in a manner to prevent **contamination** of the unused portion. Use of a spray bottle to apply liquid to the skin is acceptable. All creams and other semi-solid substances must be removed from containers with a spatula. Individual portions of dyes or pigments in clean single-use containers must be used for each **patron**. Any remaining unused dye or pigment and the single-use container(s) must be discarded immediately following service.

7.3.5 Large batch containers of dyes or pigments that are used to dispense product into the single-use containers are permitted. Dye or pigment must not be reintroduced for any reason into these batch containers after it has been dispensed for single-use, even if unused.

### 7.4 **Piercing** procedures

7.4.1 Before a **piercing** procedure is performed, the procedure site must be prepped with an antiseptic applied in accordance with the antiseptic manufacturer's instructions.

7.4.2 **Piercing** needles must be individually packaged and **sterilized**, used once, then immediately disposed of in a **sharps container**.

7.4.3 **Piercing** needles are not reusable under any circumstances.

7.4.4 All **jewelry** and instruments that directly aid in the **piercing**, or that may come in contact with instruments that are used during the **piercing**, such as forceps or needle holders, must be properly **sterilized** in accordance with the procedures described in section 4.4.

7.4.5 The **body artist** must wear new exam gloves during each procedure.

7.4.6 **Piercing** guns are permitted exclusively for ear lobe **piercing** and are not to be used for other body piercings.

7.4.7 **Jewelry**



All **jewelry** used for initial **piercings** must meet the most current following standards:

- 7.4.7.1 Any and all materials that meet ASTM and/or ISO standards for implantation. Examples of these include but are not limited to:
  - 7.4.7.1.1 steel that is ASTM F138 compliant or ISO 5832-1 compliant,
  - 7.4.7.1.2 steel that is ISO 10993-6, 10993-10, and/or 10993-11 compliant,
  - 7.4.7.1.3 unalloyed titanium that is ASTM F67 or ISO 5832-2 compliant,
  - 7.4.7.1.4 alloyed titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant,
  - 7.4.7.1.5 alloyed titanium (Ti6Al7Nb ELI) that is ASTM F1295 compliant or ISO 5832-11 compliant, and
  - 7.4.7.1.6 any polymer or plastic material that is ISO 10993-6, 10993-10, and/or 10993-11 compliant and/or meets the U.S. Pharmacopeia (USP) Class VI classification. This includes but is not limited to polytetrafluoroethylene (PTFE) that is ASTM F754 compliant.
- 7.4.7.2 Solid 14 karat or higher yellow, white, or rose gold that is nickel free and cadmium free. Gold **jewelry** used for initial **piercing** cannot be:
  - 7.4.7.2.1 plated,
  - 7.4.7.2.2 gold filled, or
  - 7.4.7.2.3 gold overlay/vermeil.
- 7.4.7.3 Solid unalloyed or alloyed platinum that is nickel free and cadmium free.
- 7.4.7.4 Unalloyed niobium (Nb) that is ASTM B392 compliant. This includes but is not limited to:
  - 7.4.7.4.1 commercial grade 2 niobium and
  - 7.4.7.4.2 commercial grade 4 niobium that contains 1% zirconium.
- 7.4.7.5 Glass that is lead free. This includes, but is not limited to:
  - 7.4.7.5.1 quartz,
  - 7.4.7.5.2 borosilicate, and

7.4.7.5.3 soda-lime.

7.4.7.6 All threaded or press-fit **jewelry** must have internal tapping (no threads on exterior of posts and barbells).

7.4.7.7 For body **jewelry** purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs, stamps, hallmarks, and polishing compounds.

7.4.7.8 Metals must have a consistent mirror finish on surfaces that frequently come in contact with tissue.

7.4.7.9 All **jewelry** used for initial **piercing** on people older than 12 years must be ASTM F2999 compliant.

7.4.7.10 All **jewelry** used for initial **piercing** on people 12 and younger must be ASTM F2923 compliant.

#### 7.4.8 **Jewelry Receipts**

Purchase records for **jewelry** purchased for initial **piercings** must:

7.4.8.1 Be maintained for a minimum of 90 days after each such purchase and use.

7.4.8.2 Be made available to the **Health Authority** upon request.

7.4.8.3 List specifications for materials sold as designated in Section 7.1.

#### 7.4.9 Material certificate

Material certificates from **jewelry** suppliers for **jewelry** used for initial **piercings** must:

7.4.9.1 Be updated from the supplier for each new lot of material

7.4.9.2 Be retained for a minimum of 3 years. Records must be kept on premises for a minimum of 1 year. All 3 years of records must be available to **Health Authority** upon request.

7.4.9.3 Include the following information:

7.4.9.3.1 name of purchaser of material,

7.4.9.3.2 name of seller of material,

7.4.9.3.3 date of material sales,

7.4.9.3.4 type of material purchased,

7.4.9.3.5 composition of material purchased,

7.4.9.3.6 quantity of material purchased, and

7.4.9.3.7 country of origin.

#### 7.5 Single-use items-rules and prohibitions

7.5.1 Single-use items must not be reused for any reason. After use, all needles, razors and other **sharps** must be immediately disposed of in **sharps containers**.

- 7.5.2 A single **body art** session that is interrupted for a brief amount of time, such as, to use the RESTROOM or break for drinking water, does not require disposal of all single-use items being used on a single **patron**. Using the same supplies to complete the **body art** session on a single **patron** does not constitute a case of reuse.
- 7.5.3 Products used in the application of stencils must be dispensed and applied on the area to be **tattooed** with a suitable clean, single-use product and used in a manner to prevent **contamination** of the original container and its contents.
- 7.6 Contamination of items  
Any item or instrument used for **body art** that becomes contaminated during the procedure must be immediately removed from the procedure area and replaced before the procedure resumes
- 7.7 Reusable Spatulas  
Spatulas made of a washable, non-absorbent material and designed for multiple use may be **sterilized** and used again. Spatulas made of wood or otherwise designed for single-use must be discarded after a single-use. Single-use tubes or containers must be discarded following the **tattoo** procedure.
- 7.8 Unused dye or pigment  
Any remaining unused dye or pigment and the single-use container(s) must be discarded immediately following service.
- 7.9 Linens
- 7.9.1 If **linens** are used, clean **linens** must be used for each **patron** and laundered after each use.
- 7.9.2 Clean **linens**, tissues or single-use paper products must be stored in a clean, enclosed storage area until needed for immediate use.
- 7.9.3 Used **linens** must be stored in a closed or covered container until laundered.
- 7.9.4 Used **linens** must be laundered in a washing machine with laundry detergent and chlorine bleach or by a commercial laundry service.
- 7.10 Bandaging  
Any bandaging or other products applied to the area of the body on which the procedure was performed must be single-use and manufactured for the sole purpose of wound care, cleaning or medical care.
- 7.11 Aftercare instructions
- 7.11.1 The written aftercare instructions must include the following;
- 7.11.1.1 The name, address and telephone number of the **body art establishment**.
- 7.11.1.2 The name of the **body artist** who performed the procedure as it appears on their **body art** card;
- 7.11.1.3 A detailed description of how to care for the **body art**,

including a description of any necessary cleaning and bandaging;

- 7.11.1.4 Possible side effects from the **body art** procedure;
- 7.11.1.5 Any restrictions on various activities;
- 7.11.1.6 Instructions on, signs of an infection or allergic reaction and when to consult a physician;
- 7.11.1.7 The expected duration for healing; and
- 7.11.1.8 A statement in the same font and size as the facility's aftercare instructions that states: "If an infection or adverse reaction occurs at your procedure site, contact your personal physician for treatment and report to the Southern Nevada Health District special programs at (702) 759-0677 or bodyart@snhd.org."

- 7.11.2 The **body artist** will provide both verbal and written aftercare instructions to each **patron** following each procedure
- 7.11.3 The written aftercare instructions can be provided in either a print or digital form.
- 7.11.4 Written aftercare instructions must also be posted in a prominent and conspicuous area where it can be readily observed by **patrons**.
- 7.11.5 The content of the written aftercare instructions must be **approved** by the **Health Authority**.

## 7.12 Infection control plan contents

Pursuant to NAC 444.00777, an infection control plan must:

- 7.12.1 Be reviewed annually by all personnel.
- 7.12.2 Be submitted to the **Health Authority** for approval when any change is made to the infection control program.
- 7.12.3 Be provided to the **Health Authority** upon request.
- 7.12.4 Include the following:
  - 7.12.4.1 The types **body art** procedures performed in the **body art establishment**;
  - 7.12.4.2 Procedures for cleaning and **disinfecting** surfaces;
  - 7.12.4.3 Procedures for cleaning, **disinfecting**, packaging, sterilizing and storing reusable instruments and **equipment**;
  - 7.12.4.4 Procedures for protecting CLEAN instruments and sterile instrument packs from exposure to dust and moisture during storage;
  - 7.12.4.5 A set-up and tear-down procedure for all **body art** procedures performed in the **body art establishment**;

- 7.12.4.6 Techniques and procedures to prevent the **contamination** of instruments, **equipment**, surfaces or the procedure area during a **body art** procedure;
- 7.12.4.7 Procedures for the safe handling and disposal of **sharps** and biohazardous WASTE;
- 7.12.4.8 The records required to be maintained by the **responsible person** to demonstrate that the infection control plan is properly operated and managed; and
- 7.12.4.9 Any additional scientific data or other information, as required by the **Health Authority**, to support the determination that the infection control plan and the operations of the **body art establishment** are sufficient to protect the public health.

### 7.13 Infection reporting required

- 7.13.1 Any infection resulting from the **body art** procedure, which becomes known to the **body artist** or the **body art establishment**, must be immediately reported to the **Health Authority** by phone or by e-mail.

### 7.14 Reporting adverse events

- 7.14.1 **Body artists** must report all adverse events relating to or suspected of being related to materials used during a **body art** procedure to the **Health Authority**, including the name of the **body artist**, **patron** information, description of adverse event(s), and a complete description of materials involved including lot and/or batch codes. This reporting will help identify outbreaks and identify products with manufacturing defects. A record of this reporting must be maintained with the complaint of injury form in **patron** records.
- 7.14.2 Copies of reports for all adverse events that occurred at the **body art establishment** must be maintained by the **body art establishment**, available upon request, for three years after the event. Adverse reactions that occur when using Federal Drug Administration (FDA)-regulated products should be reported to the FDA MedWatch program and noted in the MedWatch Individual Case Safety Report ID (ICSR).

### 7.15 Food

- 7.15.1 Eating or drinking by anyone is prohibited in the **workstation** and any other location where instruments or supplies are stored or cleaned such as the **equipment** processing room.
- 7.15.2 An enclosed beverage, such as bottled water, is allowed at the **workstation** while the **body artist** is working on **patron**.

### 7.16 Prohibited acts

The following acts are expressly prohibited by the **Health Authority** in **body art**

**establishments and body art special events:**

- 7.16.1 Any extreme body modification such as
  - 7.16.1.1 Scarification
  - 7.16.1.2 Branding
  - 7.16.1.3 Cutting
  - 7.16.1.4 Skin peeling
  - 7.16.1.5 Implantation,
  - 7.16.1.6 Suspension piercing,
  - 7.16.1.7 Dermal punching,
  - 7.16.1.8 Single point piercing,
  - 7.16.1.9 Voluntary amputation
  - 7.16.1.10 Tongue and/or penis splitting,
  - 7.16.1.11 Neck rings,
  - 7.16.1.12 Or otherwise determined by the **Health Authority**.
- 7.16.2 **Tattoo** or **permanent makeup** removal by means of:
  - 7.16.2.1 Surgery,
  - 7.16.2.2 Treatment with a chemical or substance (e.g. **tattoo** remover), or
  - 7.16.2.3 Medical **device** such as infrared coagulator or laser.
- 7.16.3 The injection into the human body of:
  - 7.16.3.1 Botulinum toxin,
  - 7.16.3.2 Prescription numbing agents, or
  - 7.16.3.3 Any substance other than dyes or pigments **approved** for **tattooing**.

## Section 8

# BODY ART CARD REQUIREMENTS AND FEES

### 8.1 Purpose

The purpose of this section is to ensure that each **body artist** has a base level of knowledge regarding the spread of disease through the practice of **body art**. This is done through using an **apprentice/journey body artist** training system.

### 8.2 Application for **body art** card

Application for a **body art** card must be made to the **Health Authority** on forms **approved** by the **Health Authority**.

### 8.3 Items required for application

In addition to the **body art** card application form, the following items must be provided to the **Health Authority**:

8.3.1 Proof of completion of the American Red Cross training in Preventing Disease Transmission (PDT) or equivalent training.

8.3.2 A government issued identification document that has

8.3.2.1 Not expired;

8.3.2.2 Contains a photograph of the **applicant** and

8.3.2.3 Contains the **applicant's** birthdate, showing that the applicant is at least 18 years of age.

8.3.3 Fees for the written exam (non-refundable) and **body art** card as determined by the **Health Authority** Fee Schedule.

8.3.4 Proof of training

8.3.4.1 If the applicant has not completed six months of training or experience or if documentation of training or experience is unavailable,

8.3.4.1.1 The applicant can enter into a Health and Sanitation **apprenticeship** with a **journey body artist** at a permitted **body art establishment** within Clark County.

8.3.4.1.2 The name of the **journey body artist** and their **journey body artist body art** card number sponsoring the apprenticeship must be indicated on the "Body Art Card Application" form.

8.3.4.1.3 A **journey body artist** may sponsor no more than ten **apprentices** at any one time.

8.3.4.1.4 Upon completion of at least six months training, the applicant must return to the **Health Authority** with written proof of training and experience.

- 8.3.4.2 If the applicant has worked in a **body art establishment** outside of Clark County, written proof from a previous employer that the applicant has a minimum of six months' experience or training as a **body artist** in a permitted **body art establishment** will be accepted. The written proof must:
  - 8.3.4.2.1 Show current date,
  - 8.3.4.2.2 Be on company letterhead of former employer,
  - 8.3.4.2.3 List specific dates of experience or training,
  - 8.3.4.2.4 Contain printed name and signature of the person writing the letter of proof,
  - 8.3.4.2.5 If the applicant is/was the owner of the establishment that is outside of Clark County, a copy of the establishment's business license with the applicant's name on it will meet the requirements of proof of experience.

#### 8.4 Written exam

- 8.4.1 After an application for a new **body art** card has been accepted the applicant will take a written exam.
- 8.4.2 A passing score for the exam is 80% or higher correctly answered questions.
- 8.4.3 If an applicant does not pass the written exam, a new appointment to retake the exam can be made; however, the exam fee must be paid again.

#### 8.5 Exam study and organizational materials

The applicant may access study materials to assist in preparing for the **body art** card exam by visiting the **Health Authority's** website: [www.southernnevadahealthdistrict.org](http://www.southernnevadahealthdistrict.org) in the **body art** card section.

#### 8.6 **Body art** card issuance

- 8.6.1 After successful completion of the written exam, an **apprentice** body art card will be issued. If the applicant does not have the required six months experience.
- 8.6.2 After successful completion of the written exam, a **body art** card will be issued if the applicant has written proof of training as specified in section 8.3.4.2.

#### 8.7 **Body art** card and **journey body art** card renewal

**Body art** cards and **journey body artist** cards must be renewed every two years.

#### 8.8 Expired **body art** cards and **journey body artist** cards

- 8.8.1 **Body artists** and **journey body artists** must not perform **body art**



procedures if their **body art** or **journey body artist** cards are expired. Performing **body art** procedures with an expired **body art** or **journey body artist** card is a violation of these Regulations and is subject to enforcement provisions of Section 11 of these Regulations, up to and including denial of a future **body art** card or **journey body artist**.

- 8.8.2 If the **body artist** allows their **body art** card to expire for more than 1 year, they will be required to repeat the application process, including retaking the basic sanitation examination with a passing score and paying all applicable fees.
- 8.8.3 If a **journey body artist** allows the **journey body art** card to expire for more than 1 year, they will
  - 8.8.3.1 Be required to repeat the application process (including retaking the basic sanitation examination with a passing score and paying all applicable fees).
  - 8.8.3.2 Be issued a **body art** card upon successful completion of the application process.
  - 8.8.3.3 No longer be able to sponsor **apprentices** for a period of two years.
- 8.9 Current **body art** or **journey body artist** card in **body artist's** possession
  - A valid **body art** or **journey body artist** card must be in the **body artist's** possession, either on their person or readily available in their personal affects, at all times while engaged in the practice of **body art** work.
- 8.10 Issuance of an **apprentice body art**, **body art** or **journey body artist** cards
  - 8.10.1 **Apprentice body art** cards will be issued for applicants who have not complete the six-month training requirement but have passed other requirements.
  - 8.10.2 The permanent **body art** card will be issued after documentation of the required six-month experience has been received.
  - 8.10.3 A **journey body artist** card can be issued upon request after maintaining a **body art** card for a minimum of four consecutive years in good standing.
  - 8.10.4 Issuance of the **body art** card or **journey body artist** card is conditional upon full compliance with these Regulations.
- 8.11 **Body art** and **journey body artist** card transfer prohibition
  - Body art** and **journey body artist** cards are issued to an individual and are not transferable from person to person.
- 8.12 Existing **body art** cards
  - A **body artist** who holds a **body art** card at the time these Regulations are adopted can apply for a **journey body art** card without the four years' experience before December 31, 2022.
- 8.13 Existing **apprentice** cards

Any **apprentice** who received their **body art** card prior to the adoption these Regulations may continue as an **apprentice** until they meet the requirements of being eligible to apply for their **body art** card.

#### 8.14 **Permit holder's** joint responsibility

The **permit holder** has joint responsibility with the **body artist** in ensuring that each individual they hire or consent to take as an **apprentice** obtains a **body art** card in accordance with these Regulations. Allowing individuals to practice as a **body artist** within a **body art establishment** without a valid **body art** card is grounds for enforcement action, up to and including suspension of the **health permit** for the **body art establishment**.

## Section 9

# BODY ART SPECIAL EVENTS

- 9.1 Special event **body artist** application
  - 9.1.1 An event permit may be issued by the **Health Authority** for educational, sales, or convention purposes.
  - 9.1.2 The event permit can be valid from 1 to 14 days. The length of an event determines the necessary fees based on the **Health Authority's** current Fee Schedule.
  - 9.1.3 An application must be accompanied by payment of applicable fees at least 30 days prior to the start of the event. A late fee will be assessed if the application and fee are not received a minimum of 30 days prior to the start date of the event. Applications submitted less than 30 days prior to the start of the event may not be accepted, subject to the discretion of the **Health Authority**.
  - 9.1.4 During the **special event**, all **body art** procedures must be conducted inside an approved location that has the sanitary facilities as described in section 9.3.
  - 9.1.5 A person who wishes to obtain an event permit must:
    - 9.1.5.1 Submit a completed "Special Event Permit Application" to the **Health Authority**, at least 30 days prior to the event
    - 9.1.5.2 Provide proof of experience by any of the following ways:
      - 9.1.5.2.1 Provide a copy of their registration or **body art** card issued by another **Health Authority**,
      - 9.1.5.2.2 Provide a copy of a current business license of the **body art establishment** that they currently working at, or
      - 9.1.5.2.3 A letter from the Event Coordinator that states that the artist has the minimum experience specified in section 8.5.1.
    - 9.1.5.3 Pay the appropriate fees
- 9.2 Special Event Coordinator
  - 9.2.1 If more than one **body artist** will be participating, each entity hosting a **special event** must designate a Special Event Coordinator (Event Coordinator) who is responsible for each artist's compliance with the applicable Regulations and operational procedures over the span of the **special event**.
  - 9.2.2 The Event Coordinator must make application and pay all applicable fees designated by the **Health Authority**.
  - 9.2.3 The Event Coordinator must provide **equipment** and supplies to

- correctly dispose of all **sharps** and biohazardous waste.
- 9.2.4 The Event Coordinator or designee must be available during the inspection of the **body artists** and throughout the duration of the **special event**.
- 9.2.5 If the **special event** exclusively uses single-use, prepackaged, **sterilized equipment** obtained from commercial manufacturers then **sterilization equipment** is not necessary.
- 9.2.6 If any **sterilization equipment** is used to **sterilize** reusable equipment, then a **spore test** must be performed and passed for no more than seven days prior to the date of the event. A copy of the **spore test** must be provided to the **Health Authority** prior to the start of the **special event**.
- 9.2.7 The Event Coordinator must provide an appropriate number of conveniently located hand washing facilities with liquid soap, paper towels and hot and cold water under adequate pressure and drained in accordance with local plumbing codes.
- 9.2.8 When submitting an application for a special event, the Event Coordinator must provide to the **Health Authority**
- 9.2.8.1 A copy of the **patron** consent form and **patron** aftercare. These forms must:
    - 9.2.8.1.1 Meet the requirements outlined in sections 6.2, 6.3 and 7.11 of these Regulations.
    - 9.2.8.1.2 Must be used by all **body artists** at the event for consent and aftercare.
  - 9.2.8.2 A floor plan of the event that indicate the location of booths that may have **body artists**. Each booth must be at least 50 square feet of floor space for each working **body artist**.
  - 9.2.8.3 The type of flooring in the booths.
  - 9.2.8.4 The location of the hand washing facilities.
  - 9.2.8.5 If provided, the location of **sterilizer** and cleaning facilities
  - 9.2.8.6 A copy of the agreement between the Event Coordinator and biohazardous waste hauler for the appropriate disposal of all **sharps** and other biohazardous waste.
  - 9.2.8.7 Water supply and wastewater disposal methods.
- 9.3 **Special event** operational requirements
- 9.3.1 The event permit will consist of a wrist band that must be worn on the wrist by the artist during the entirety of the **special event**.
  - 9.3.2 Compliance is required with all of the requirements of these Regulations, including without limitation:

- 9.3.2.1 Provision of **disinfecting** single-use hand wipes, **approved** by the **Health Authority**, in addition to the hand washing requirements of this Section;
  - 9.3.2.2 At least 50 lumens per foot of light in a fixture shielded with a solid barrier or a bulb constructed of shatterproof materials at the level where the **body art** work is being applied.
  - 9.3.2.3 Provision of **equipment** and supplies to properly clean and **disinfect** the area used for **body art** work.
  - 9.3.2.4 Ability to clean and **sterilize** reusable **equipment** using the **equipment** provided by the Event Coordinator.
  - 9.3.2.5 Provision of **equipment** and supplies to correctly dispose of all **sharps** and biohazardous waste.
  - 9.3.2.6 Provision of **equipment** and supplies to dispose of all non-hazardous **solid waste**.
  - 9.3.2.7 Smooth, nonabsorbent flooring that can be cleaned and **disinfected** or disposed of.
  - 9.3.3 All areas where **body art** takes place will be inspected and **body artists** will be interviewed by the **Health Authority**.
  - 9.3.4 Upon successful completion of the inspection and interview, an event permit will be issued.
  - 9.3.5 No **body art** procedures can be performed until after the Event Permit is issued.
  - 9.3.6 The **approved** event consent form and aftercare instructions will be used to provide consent and aftercare instructions to the **patrons**.
- 9.4 Event permit suspension
- Event permits issued under the provisions of these Regulations may be suspended by the **Health Authority** for failure of the Event Coordinator, or permitted event **body artists**, to comply with the requirements of these Regulations.

# Section 10

## HEALTH PERMIT, CHANGE OF PERMIT HOLDER, AND WAIVERS, AND FEES

### 10.1 Health permit required

All **body art establishments** must have a valid **health permit** issued by the **Health Authority** in order to operate.

### 10.2 Health permit exemptions and prohibitions

- 10.2.1 A physician, or a person working under the direct supervision of a physician, performing **body art** work in the physician's office or clinic, is exempt from these Regulations.
- 10.2.2 No **health permits** will be issued to private residences, including apartments, condominiums, multi-family or single-family dwellings for **body art** work activities.
- 10.2.3 **Body art** performed in a location other than a permitted, **body art establishment** or **special event** is in violation of these Regulations and will be ordered to cease and desist all activities. If the individual also holds a **body art** card, the **body art** card is subject to suspension or revocation.

### 10.3 New and remodeled **body art establishments** permits

- 10.3.1 To qualify for a permit, an applicant must:
  - 10.3.1.1 Be an **owner**, prospective **owner**, person legally in charge, **owner** designee, or an officer of the legal ownership of the **body art establishment**;
  - 10.3.1.2 Pay the applicable fees at the time the application is submitted; and
  - 10.3.1.3 Comply with the requirements of these Regulations.
- 10.3.2 Application submission
  - 10.3.2.1 Applications for a permit must be made in a manner required by the **Health Authority**.
  - 10.3.2.2 Applications must be submitted at least 30 days before:
    - 10.3.2.2.1 Construction begins, if the facility has not yet been built;
    - 10.3.2.2.2 The opening date of any **body art establishment** if located inside existing construction; and/or
    - 10.3.2.2.3 The effective date of a change of **permit holder**.
- 10.3.3 Contents of the application

The application must include:

- 10.3.3.1 Proof of location, such as a lease, deed, or other legally executable document,
- 10.3.3.2 Equipment specifications, such as the name and model number of the **sterilizer**, if applicable,
- 10.3.3.3 A written infection control plan designed to eliminate or minimize **personnel** exposure to blood or OPIM as required in 29 CFR 1910.1030(b),
- 10.3.3.4 Copy of a current **body art** card of a **responsible person**,
- 10.3.3.5 A proposed **patron** consent form that meets the requirements of 6.2 and 6.3,
- 10.3.3.6 Proposed aftercare instructions that meet the requirements of section 7.11,
- 10.3.3.7 For new or remodeled **body art establishments**, plans must be submitted that include the dimension of each **workstation**, the location of plumbing fixtures, floor, wall and ceiling materials, light levels, locations of **sharps containers**, and the locations of the **sterilizer** and **ultrasonic cleaner**, if used, in **equipment** processing room.

#### 10.4 Permit conditions

- 10.4.1 Permit approval for a **body art establishment** is contingent upon compliance with applicable laws and Regulations including local building ordinances and codes. In the event that there are any conflicts between these requirements, the more stringent requirement must be met.
- 10.4.2 Pre-approval inspection
  - At the time of the final permitting inspection, the **permit holder** or **responsible person** must provide the following,
  - 10.4.2.1 **Equipment** to be used in the facility to administer **body art**
  - 10.4.2.2 The results of a **spore test** conducted after the **sterilizer** was installed. The **spore test** must have been performed no earlier than 30 days prior to the inspection and must indicate that the **sterilizer** is functioning adequately
- 10.4.3 If the **Health Authority** determines, after inspection, that the proposed **body art establishment** can be operated in accordance with the provisions of these Regulations, a **health permit** will be issued to the applicant.

#### 10.5 Change of **permit holder** of an operating body art establishment

- 10.5.1 An existing **body art establishment**, at the time of change of **permit**

**holder**, must meet the requirements of these Regulations prior to issuance of a permit.

10.5.2 The **Health Authority** may issue a permit to a new **permit holder** of an existing **body art establishment** after a properly completed application is submitted and reviewed, fees are paid, and an inspection is passed.

10.5.3 A facility will be required to bring any aspect of the **body art establishment** into compliance with the current Regulations, laws and codes when ownership changes.

10.5.4 Notification of **Health Authority**

The **owner** or **permit holder** will notify the **Health Authority** in writing by e-mail or letter of any changes in the **permit holder**.

## 10.6 Waivers

10.6.1 Conditions of **waiver**

The **Health Authority** may grant a **waiver** by modifying or waiving the requirements of these Regulations if, in the opinion of the **Health Authority**, public health and safety will not be impacted as a result of an **approved waiver**.

10.6.1.1 The **Health Authority** may impose conditions on the **body art establishment** relating to the mitigation of hazards.

10.6.1.2 If the **waiver** is granted, the **permit holder** must comply with all operational plans, procedures, and conditions stipulated in the **waiver**.

10.6.1.3 Failure to meet any the **waiver** conditions may result in immediate closure pending revocation of the **waiver** and violations against the **health permit**.

10.6.2 Documentation of proposed **waiver** and justification

A **body art establishment** seeking a **waiver** must apply in the manner required by the **Health Authority**. The application must include, but not be limited to:

10.6.2.1 A statement of the proposed **waiver** of the regulatory requirement citing relevant Regulation section numbers.

10.6.2.2 A statement of how the intent of the Regulations will be met with regard to elimination or mitigation of the any hazards resulting from **waiver** of the Regulation and the reasons why public health and safety would not be jeopardized if the **waiver** was granted.

10.6.2.3 An operational plan, if required, that includes information relevant to the **waiver** requested.

10.6.2.4 Approvals from other agencies having jurisdiction.



- 10.6.2.5 Any other information required by the **Health Authority** to make a determination on the **waiver**
  - 10.6.3 A **health permit** cannot be issued until a **waiver** determination is made.
  - 10.6.4 If additional information is requested by the **Health Authority**, but not provided within ten business days, the waiver application may be denied.
  - 10.6.5 **Waivers** are not transferrable from one business owner or location to another.
  - 10.6.6 The appeal process of denial of a **waiver** is to submit a variance petition to the District Board of Health.
- 10.7 **Health permit** payment of fees
- 10.7.1 **Health permit** fees must be paid annually.
- 10.8 Prohibition of the transfer of the **health permit**
- Health permits** are not transferable from person to person or location to location.
- 10.9 Permit modifications
- Proposed modifications in the type of operations to be conducted by a **body art establishment** are not be allowed unless **approved** by the **Health Authority**. The modification process may include, but not be limited to, submission of a construction or **waiver** application, complete with plans and information describing the proposed modifications in design, **equipment**, and operations.
- 10.10 Health permit posted
- 10.10.1 The current **health permit** must be posted in plain view of the general public and must not be altered or defaced in any manner.
  - 10.10.2 The **permit holder** must also post, in public view within the premises, next to the **health permit**, in a plain font with a minimum 0.5 inch height the following statement: "This facility is permitted by the Southern Nevada Health District (SNHD). Resources and information can be found on SNHD's website using the QR code below. SNHD can be reached at 702 759 0677 or [bodyart@snhd.org](mailto:bodyart@snhd.org)." and a QR code at least 1 inch square that links to the Health Authority's website on **body art** regulation.
- 10.11 Deletion of the **health permit**
- To remove a **body art establishment** from regulatory oversight and have the associated **health permit** deleted, the **owner** or **permit holder** must notify the **Health Authority** in writing of permanent closure of the establishment.

# Section 11

## ENFORCEMENT AND INSPECTIONS

### 11.1 Documentation of conditions

- 11.1.1 The **Health Authority** shall address conditions necessary to protect public health and may impose specific requirements in addition to the requirements specified in these Regulations.
- 11.1.2 The **Health Authority** shall prepare a report describing any deficiencies discovered during the inspection including corrective actions, and applicable deadlines for compliance.
- 11.1.3 The **Health Authority** shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale.
- 11.1.4 A copy of the completed report will be furnished to the **permit holder, responsible person or body artist**, and a copy of the report will be maintained in the Health Authority's file in accordance with its records retention policy.

### 11.2 Failure to correct a deficiency

- 11.2.1 Failure to correct a deficiency within the period specified in the written report is a violation of these Regulations.
- 11.2.2 Violations that constitute an imminent threat to public health and safety are addressed in Section 2 of these Regulations and are a violation of these Regulations.
- 11.2.3 **Health permits** may be revoked or suspended for violation of these Regulations in accordance with the procedures set forth in section 12.

### 11.3 Responsibilities

#### 11.3.1 Responsibilities of the **Health Authority**

- 11.3.1.1 The responsibilities of the **Health Authority** include informing the **permit holder** how to obtain a copy of these Regulations, and that the **permit holder** is responsible for compliance with these Regulations.
- 11.3.1.2 Failure to provide the above information does not prevent the **Health Authority** from taking authorized action, or seeking remedies, if the **permit holder** fails to comply with these Regulations or an order, warning, or directive of the **Health Authority**.

#### 11.3.2 Responsibilities of the **permit holder**

To retain the **permit**, the **permit holder** must:

- 11.3.2.1 Post the **health permit** in a location in the **body art establishment** that is clearly conspicuous to the **patron**.

- 11.3.2.2 Immediately discontinue operations and notify the **Health Authority** if an imminent health hazard exists.
- 11.3.2.3 Allow the **Health Authority** access to the **body art establishment** during normal operating hours or upon request.
- 11.3.2.4 Comply with directives of the **Health Authority**, including, without limitation, time frames for corrective actions specified in inspection reports, supervisory conferences, compliance schedules, notices, orders, warnings, and other directives issued by the **Health Authority** concerning the **permit holder's body art establishment**.
- 11.3.2.5 Comply with all applicable federal, state and local governmental requirements as related to the operation of a **body art establishment**. The responsibility of upholding these requirements falls solely on the **permit holder**, and failure to do so may result in **permit** suspension or revocation.
- 11.3.2.6 Accept notices issued and served by the **Health Authority**.

#### 11.4 Inspections

##### 11.4.1 Inspection authority

- 11.4.1.1 Upon presenting proper identification, the **Health Authority** must have the right of access, entrance, inspection, and investigation of any **body art establishment** permitted by these Regulations.
- 11.4.1.2 The right of access pursuant to this Section, includes, but, is not limited to access for the purpose of:
  - 11.4.1.2.1 Routine inspection;
  - 11.4.1.2.2 Inspection or investigation to determine if there has been a violation of NAC Chapter 444 or these Regulations;
  - 11.4.1.2.3 Verification of compliance with previously written violation notices;
  - 11.4.1.2.4 Collection of samples or specimens;
  - 11.4.1.2.5 Examination, review, and copying of relevant documents and records;
  - 11.4.1.2.6 Obtaining photographic or other evidence needed to enforce these Regulations; and
  - 11.4.1.2.7 Questioning any personnel present.
- 11.4.1.3 If the **Health Authority** is refused access, the **Health Authority** must:

11.4.1.3.1 Inform the person that access is a condition of the acceptance and retention of the health permit; and

11.4.1.3.2 Provide details of the denial of access on an inspection report form and the **body art establishment** will be posted as closed.

#### 11.5 Interfering with the **Health Authority**

11.5.1 It is a violation of these Regulations for a person to interfere with, deny, or delay an inspection conducted by the **Health Authority**.

11.5.2 As specified in NRS 199.300, it is unlawful for any person to directly or indirectly intimidate a public employee.

#### 11.6 Issuing report and obtaining acknowledgment of receipt

11.6.1 At the conclusion of the inspection, the **Health Authority** must:

11.6.1.1 Review a copy of the completed inspection report, and any corresponding notice to correct violations with the **permit holder** or the **responsible person**; and

11.6.1.2 Obtain a signed acknowledgement of receipt on the report. If an electronic report, the acknowledgement may be by other means.

11.6.2 Refusal to sign acknowledgement

11.6.2.1 Should the **permit holder** or **responsible person** refuse to sign the acknowledgment on the report, the **Health Authority** must inform the refusing party that:

11.6.2.1.1 Refusal to sign an acknowledgment does not nullify the inspection report or the **permit holder's** obligation to correct the violations noted in the inspection report within the time frames specified, and

11.6.2.1.2 An acknowledgment of receipt does not constitute an agreement with findings.

11.6.2.2 The refusal will be documented on the report.

11.6.2.3 The inspector will provide a copy of the inspection report to the **permit holder** or **responsible person**.

#### 11.7 Inspection frequency

11.7.1 The inspection frequency will be a minimum of once per calendar year.

11.7.2 The frequency may be increased based upon non-compliance of the **body art establishment**.

#### 11.8 Follow-up inspection

11.8.1 The **Health Authority** will inspect the premises after any failed

inspection upon notification that the hazard has been eliminated, after the time designated to correct the violation has lapsed or to remove the closure signs after verifying corrections of violations. The **Health Authority**, in its sole discretion, may accept other evidence of correction of the hazard in lieu of inspecting the premises.

- 11.8.2 Failure to correct the violations that resulted in the failed inspection or after the **body art establishment** was posted closed by the **Health Authority**, will result in additional follow-up inspections and assessment of the appropriate fees and continued closure if appropriate.

#### 11.9 Public information

- 11.9.1 The **Health Authority** shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it pursuant to NRS 239.

#### 11.10 Appeal process

- 11.10.1 A person aggrieved by an action taken by the **Health Authority** may request a meeting in writing with the inspector responsible for the action and the program supervisor within 10 business days from the date of the inspection or investigation.
- 11.10.2 If the meeting does not resolve the issue, the aggrieved person may submit a written request for a meeting with the division director or section manager within 10 business days from receipt of the request for a meeting.

## Section 12

# PERMIT SUSPENSION, REVOCATION, HEARINGS

### 12.1 Summary suspension; reinstatement of suspended permit

- 12.1.1 The **Health Authority** may suspend a **health permit** for failure of the **permit holder** to comply with the requirements of these Regulations.
- 12.1.2 The **Health Authority** may post a **body art establishment** closed for the following:
  - 12.1.2.1 If conditions exist at a **body art establishment** which present an imminent health hazard, the **Health Authority** may, upon written notice, immediately suspend the operating permit and order the immediate closure of the **body art establishment** or
  - 12.1.2.2 For repeated violations of these Regulations during a follow-up inspection of a failed routine inspection. The closure is effective upon receipt of the written notice by the **responsible person** or **permit holder**. The closure statement on the inspection report constitutes written notice.
- 12.1.3 Closure signs must be conspicuously posted at each entrance leading into the **body art establishment**.
- 12.1.4 Concealment, mutilation, alteration, or removal of Closure signs by any person without permission from the **Health Authority** constitutes a violation of these Regulations.
- 12.1.5 The health authority shall conduct a re-inspection of the **body art establishment** for which the permit was summarily suspended within two business day after receiving notice from the **permit holder** stating that the conditions cited in the summary suspension order no longer exist.

### 12.2 Suspension and revocation

- 12.2.1 The **permit holder** may request a hearing within five business days of the summary suspension.
- 12.2.2 The **Health Authority** shall hold a hearing, if requested, within ten (10) business days of receipt of the request for hearing.
- 12.2.3 The **Health Authority** will permanently revoke a permit, unless a request for a hearing is filed with the **Health Authority** by **permit holder** within five business days.
- 12.2.4 The **Health Authority** may, after a hearing, suspend or revoke a **body art establishment** for violation of NRS Chapter 444, these Regulations, or an order issued by the **Health Authority**.

- 12.2.5 Unless a hearing is requested as required herein, the suspension or revocation order shall take effect 15 calendar days after the date of issuance of the notice of suspension or revocation.
- 12.2.6 A notice of suspension or revocation must include the following:
  - 12.2.6.1 The reasons for the suspension or revocation with reference to the specific provisions of NRS Chapter 444, and these Regulations.
  - 12.2.6.2 The **body art establishment** has a right to request a hearing within 15 calendar days after issuance of the notice;
  - 12.2.6.3 The suspended **permit** shall be revoked after fifteen calendar days after receipt of the suspension notice have lapsed unless a hearing is requested.
- 12.3 Suspension or revocation of an apprentice **body art** card, a **body art** card or journey **body art** Card
  - 12.3.1 The **Health Authority** may suspend or revoke an apprentice **body art** card, a **body art** card or journey **body art** card if the **body artist** performed in such a manner as to create on-going or egregious unsanitary, unsafe, or unhealthful conditions.
  - 12.3.2 **Body artist** may request a hearing within five business days of the summary suspension.
  - 12.3.3 The **Health Authority** shall hold a hearing, if requested, within ten business days of the receipt of the request for hearing.
  - 12.3.4 The **Health Authority** will permanently revoke an **apprentice body art** card, a **body art** card or **journey body art** card, unless a request for a hearing is filled with the **Health Authority** by the **body artist** within five business days.
  - 12.3.5 The **Health Authority** may, after a hearing, suspend or revoke an **apprentice body art** card, **body art** card or **journey body art** card for violation of NRS Chapter 444, these Regulations, or an order issued by the **Health Authority**.
  - 12.3.6 Unless a hearing is requested as required herein, the suspension or revocation order shall take effect 15 calendar days after the date of issuance of the notice of suspension or revocation.
  - 12.3.7 A notice of suspension or revocation must include the following:
    - 12.3.7.1 The reasons for the suspension or revocation with reference to the specific provisions of NRS Chapter 444 and these Regulations;
    - 12.3.7.2 The **body artist** has a right to request a hearing within five calendar days after issuance of the notice;

12.3.7.3 The apprentice **body art** card, **body art** card or journey **body art** shall be revoked fifteen calendar days after receipt of the suspension notice and the **body artist** shall cease practicing **body art** at that time unless a hearing is requested.

#### 12.4 Notice and service of notice

12.4.1 A notice issued in accordance with these Regulations is considered properly served if it is served by one of the following methods:

12.4.1.1 The notice is personally served by the **Health Authority** to the **responsible person** or **permit owner**; and/or

12.4.1.2 Sending the notice by registered or certified mail, return receipt requested, to the last known address of the **owner**.

12.4.2 The **Health Authority** shall file a copy of the notice in the **permit holder's** file.

#### 12.5 Reinstatement

12.5.1 When a **permit** has been suspended or revoked, an application may be made for reinstatement. Such application must include a verified statement declaring that the reason for the suspension or revocation of the **permit** has been eliminated.

12.5.2 If upon investigation by the **Health Authority**, it is determined that all reasons for suspension or revocation have been eliminated and all provisions of these Regulations have been complied with, the **Health Authority** shall reinstate said **permit**.

#### 12.6 Hearings and appeals

12.6.1 All hearings provided for in these Regulations shall be conducted in accordance with NRS Chapter 233B.

12.6.2 Nothing herein contained shall be construed as denying the rights of appeal to the courts after administrative remedies as herein above have been exhausted.

#### 12.7 Post suspension action

Once the **permit** has been suspended, as specified in Section 12.2 of these Regulations, the **permit holder** must discontinue all activity associated with the **body art establishment** in question. Failure to do so may result in the **Health Authority** requesting an injunction from the District Court of Jurisdiction against continued operation by the **permit holder**.



## **Section 13**

### **MISCELLANEOUS**

#### 13.1 Severability clause

Should any section, paragraph, sentence, phrase, or provision of these Regulations be held invalid for any reason, the remainder of these Regulations must not be affected.

#### 13.2 Effective date

13.2.1 These Regulations became effective upon approval by the Nevada State Board of Health.

13.2.2 These Regulations were adopted at a duly noticed public hearing.