

Teton Health District

Rules and Regulations for

Body Art

Adopted as of November 27, 2018

Effective as of January 1, 2019



STATE OF WYOMING)

)ss

COUNTY OF TETON)

Received and Filed this 6 day of December
2018 at 1:30 pm.

SHERRY L. DAIGLE,
Teton County Clerk by

Sherry L. Daigle

STATE OF WYOMING

1

COUNTY OF TETON

Received and filed this _____ day of _____

_____ at _____
HENRY L. DAVIS,
Teton County Clerk

Teton Health District

Rules and Regulations for Body Art

TABLE OF CONTENTS

Chapter 1	Purpose
Chapter 2	Definitions
Chapter 3	Body Art Operator Requirements and Professional Standards
Chapter 4	Public Notification Requirements
Chapter 5	Client Records
Chapter 6	Records Retention
Chapter 7	Preparation and Care of the Body Art Area
Chapter 8	Sanitation and Sterilization Procedures
Chapter 9	Requirements for Single-use Items
Chapter 10	Requirements for Premises
Chapter 11	Permit Requirements
Chapter 12	Temporary Demonstration Permit Requirements
Chapter 13	Mobile Body Art Establishments
Chapter 14	Enforcement

Chapter 1

PURPOSE OF REGULATIONS

The purpose of these regulations is to establish the safe and sanitary practice of body art, the safe and sanitary physical environment where body art is performed, the safe and sanitary conditions of equipment utilized in body art procedures, protection of minors, and informed consent for those seeking services within the Teton Health District.

Chapter 2

DEFINITIONS

The following terms used in these regulations shall be defined as follows:

“ADULT” means an individual who is eighteen years of age or older.

“AFTERCARE” means instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

“ANTISEPTIC” means a substance that is approved by the Food and Drug Administration to reduce the number of microorganisms present on the skin and on mucosal surfaces.

“ASEPTIC TECHNIQUE” means a set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

“AUTOCLAVE” means an apparatus for sterilization by steam under pressure that meets the standards of American Society for Mechanical Engineering (ASME).

“BIOCOMPATABLE” means the ability of the object to perform its intended function, with the desired degree of incorporation in the host, without eliciting any undesirable local or systemic effects in that host.

“BLOODBORNE PATHOGEN” means pathogenic 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) and human immunodeficiency virus (HIV). [OSHA definition 29cfr 1910.1030(b)]

“BODY-ART” means the practice of physical body adornment utilizing body piercing, branding, scarification, sculpting or tattooing. This definition does not include practices conducted under the supervision of a physician licensed to practice medicine under Wyoming law nor does this definition include piercing of the outer perimeter or lobe of the ear by means of sterilized stud-and-clasp ear piercing systems;

“BODY ARTIST” see Body Art Practitioner

“BODY ART ESTABLISHMENT” means any place or premise, whether public or private, temporary or permanent, in nature or location, where the practices of body art, whether or not for profit, are performed.

“BODY ART PRACTITIONER” means a person who performs body art and holds a permit issued by the Department to perform body art.

“BODY PIERCING” means puncturing and penetration of the skin of a person and the insertion of jewelry or other adornment thereto in the opening, except that puncturing the outer perimeter or lobe of the ear with a pre-sterilized single-use and clasp-ear-piercing system shall not be included in this definition.

“BRANDING” means any invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means;

“CLIENT” means an individual upon whom a practitioner performs a body art procedure.

“CONTAMINATED” means the presence or the likely presence of blood or other potentially infectious materials on an item or surface.

“COSMETIC TATTOOING” see **“PERMANENT COSMETICS”**

“CRITICAL VIOLATIONS” means those items that are likely to cause an imminent health hazard to the public and/or practitioner.

“DECONTAMINATION” means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

“DEPARTMENT” means Teton District Health Department.

“DERMAL ANCHORS” see **“BODY PIERCING”**

“DILUENT” means a substance used to dilute.

“DISINFECTANT” means a product that is registered by the Federal Environmental Protection Agency and the Department of Pesticide Regulation, as indicated on the label, to reduce or eliminate the presence of disease-causing microorganisms for use in decontaminating work surfaces but does not necessarily eliminate all microbial forms (e.g., bacterial endospores).

“DISINFECTION” means the destruction of pathogenic microorganisms, but not all microbial forms such as bacterial spores on inanimate objects.

“EAR PIERCING” see **“BODY PIERCING”**

“ESTABLISHMENT” means Body Art Establishment

“EQUIPMENT” means all machinery, containers, vessels, tools, devices, implements, storage areas and sinks which are used in conjunction with the storage or application of body art by a practitioner to a client, or used within the sterilization/decontamination, and disinfection processes.

“FURNISHINGS” means all fixtures, furniture, and all other objects within a body art establishment that are not an integral to the structure of the physical establishment (e.g. wall, windows, doors) and are not utilized in the storage of body art equipment, application of body art, or its sterilization / decontamination, or disinfection processes.

“GLOVES” means medical grade or exam grade, whether sterile or non-sterile, disposable, single-use full-hand covering worn for protection against disease transmission.

“GUARDIAN” means a person lawfully invested with the power, and charged with the obligation, of taking care of managing the property and rights of a person who, because of age, understanding or self-control, is considered incapable of administering his or her own affairs.

“HAND WASHING SINK” means a sink used solely for washing hands, arms, or prosthetics.

“HAND WASHING” means the act of cleaning one’s hands for the purpose of removing dirt, soil, or microorganisms.

“HEALTH CARE PROFESSIONAL” means any physician, osteopathic physician, advanced practice registered nurse, physician assistant, or dentist licensed in the State of Wyoming.

“HEALTH DEPARTMENT” means the Teton District Health Department or its authorized representative.

“IMMINENT HEALTH HAZARD” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction.

“INJURY” means any unexpected complication, damage, harm, hurt or impairment to a customer’s body structure or function that is caused by a body art procedure.

“INSTRUMENTS/TOOLS/DEVICES/IMPLEMENTS” means hand pieces, needles, needle bars, forceps and other tools that may come in contact with a client’s body or may be exposed to bodily fluids during body art procedures.

“IDENTIFICATION” means a motor vehicle driver’s license, a registration card issued under the federal Selective Service Act, an identification card issued to a member of the armed forces, a valid United States passport, a tribal identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming or the Northern Arapahoe tribe of Wyoming or an identification card issued by the department of transportation.

“JEWELRY” means any personal ornament inserted into an initial piercing.

“LICENSING” means written approval by the Department to operate a body art establishment, or to perform body art. Approval is given in accordance with this Rule and is separate from any other requirements that may exist.

“MAINTENANCE” means manufacturer recommended repairs and upkeep to equipment.

“MEDICAL WASTE COLLECTION/ DISPOSAL SERVICES/BIOWASTE SERVICES” means services used by body art establishments and practitioners for disposal of used sharps containers and regulated waste.

“MICROBLADING” see “PERMANENT COSMETICS”

“MICRODERMAL” see “BODY PIERCING”

“MILL TEST CERTIFICATE” means a certificate documenting that a material’s physical and chemical properties are in compliance with international standards.

“MINOR” means any person who has not attained the age of 18 years.

“MOBILE BODY ART ESTABLISHMENT” means a permitted mobile establishment or unit which is self-propelled or otherwise movable from place to place and is self-sufficient for utilities such as gas, water, electricity and liquid waste disposal with a permitted operator who performs body art procedures.

“MUCOSAL SURFACE” means the moisture-secreting membrane lining of all body cavities or passages that communicate with the exterior, including, but not limited to, the nose, mouth, vulva, and urethra.

“NON-CRITICAL VIOLATIONS” means those items are not likely to cause an imminent health hazard to the public and/or practitioner.

“NOTIFIABLE DISEASE” means all communicable diseases required by the laws of the State of Wyoming to be reported to health officials.

“OPERATOR” means any person who controls, operates, manages, or conducts body art activities at a body art establishment and who is responsible for compliance with these regulations.

“PARENT” means a natural parent, legal guardian, or legal custodian of a minor.

“PERMANENT COSMETICS” means a tattoo which includes but is not limited to eyebrows, eyelids, lips and other parts of the body for beauty marks, hair imitation, lash enhancement or areola repigmentation. This includes any procedures referred to as, but not limited to, "permanent makeup," "microdermapigmentation," "micropigment implantation", "microblading", "dermagraphics" or "cosmetic tattooing"

“PERMIT” see **“LICENSING”**

“PERSON” means an individual, any form of business or social organization or any other nongovernmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.

“PIERCING” see **“BODY PIERCING”**

“POTENTIALLY INFECTIOUS MATERIAL” means the following

(a) human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV. (OSHA - 29 CFR 1910.1030)

“PRACTITIONER” see **“BODY ART PRACTITIONER”**

“PROCEDURE” means the act of performing body art.

“PROCEDURE AREA” means a room, or portion of a room, or any surface of an inanimate object that is designated only to be used to perform body art.

“PROCEDURE SITE” means the area or location on the human body selected for the placement of body art.

“REGULATED WASTE” means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed;

items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps;

and pathological and microbiological wastes containing blood or other potentially infectious materials. [Occupational Safety and Health Administration (OSHA) definition 29cfr 1910.1030(b)]

“SANITARY” means free of contaminants and pathogenic microorganisms.

“SANITATION” means the application cumulative heat, or chemicals on cleaned surfaces that, when evaluated for efficacy, yield a reduction of five (5) logs, which is equal to a 99.99% reduction of pathogenic microorganisms.

“SANITIZER” means disinfectant or germicide registered with the United States Environmental Protection Agency.

“SCARIFICATION” means any invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.

“SCULPTING” means any modification of the skin, mucosa, cartilage or tissue of the body for nonmedical purposes.

“SERVICE ANIMAL” means a trained animal such as a Seeing Eye Dog that accompanies a person with a disability and is trained to perform a specific task to assist in managing the disability.

“SHARPS” means any objects that may purposely or accidentally cut or penetrate the skin or mucosa, including, but not limited to, presterilized, single-use needles; scalpel blades; and razor blades.

“SHARPS CONTAINER” means a closable, puncture-resistant, leak-proof on sides and bottom container made specifically to be a sharps container, that meets NIOSH standards, and can be closed for handling, storage, transportation, and disposal and that is labeled with the international biohazard symbol.

“SINGLE USE” means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups, and protective gloves.

“SINGLE-POINT PIERCINGS” see **“BODY PIERCING”**

“SINK” means a lavatory equipped with hot (at least 100 degrees F) and cold running water under pressure delivered through a mixing valve or combination faucet.

“SPORE” means a highly resistant dehydrated form of a bacterial cell, such as those of the genus Bacillus.

“STERILE” means free of live bacteria or other microorganisms including highly resistant bacterial endospores.

“STERILIZATION” means a validated process used to render product free from viable microorganisms. [International Organization of Standardization (ISO) 11139]

“SURFACE ANCHOR” see “BODY PIERCING”

“STERILE GLOVES” mean a medical-grade or exam grade, disposable, single-use covering for the hands worn for protection against disease transmission that has been sterilized by the manufacturer or following the sterilization protocol set forth by the glove manufacturer.

“SUBDERMAL IMPLANT” means a biocompatible object that is placed entirely underneath the skin, therefore allowing the body to heal over the implant and creating a raised design for aesthetic purpose.

“TATTOO” means any indelible design, letter, scroll, figure, symbol or any other mark placed upon or under the skin with ink or colors, by the aid of needles or other instruments.

“TATTOOING” means the method of administering a tattoo to another person.

“TEMPORARY BODY ART ESTABLISHMENT” means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event.

“TONGUE SPLITTING” means a type of body modification in which the tongue is cut centrally from its tip to as far back as the underside base to separate the two main muscles without causing damage to said muscles, for the aesthetic of a forked tongue.

“TRANSDERMAL IMPLANT” means the process in which a biocompatible object is placed under and passes through the skin by making an incision and elevating the skin. Interchangeable decorations can then be attached to the exposed portion of the object.

“WORKSTATION” means the area within a procedure area where a practitioner performs body art. The workstation includes, but is not limited to, the client chair or table, counter, ~~maye~~ stand, instrument tray, storage drawer, lights and practitioner's chair.

“UNIVERSAL PRECAUTIONS” means a set of guidelines and controls, published by the Center for Disease Control and Prevention (CDC) 29 CFR 1910-1030, which includes specific recommendations for the use of gloves, masks, protective eye wear and/or other protective equipment when contact with blood or body fluids containing blood is anticipated.

III. BODY ART OPERATOR REQUIREMENTS AND PROFESSIONAL STANDARDS

3.1 The following information shall be kept on file on the premises of a body art establishment and available for inspection by the Department:

- a. employee information

1. full names, job description, and exact duties;
2. dates of employment;
3. date of birth;
4. primary residence address;
5. home/work/mobile phone numbers;
6. e-mail address;
7. identification photos of all body art operators in the form of a copy of a government issued photo ID;
8. Hepatitis B shot record or declination form;
9. documentation of additional training, such as bloodborne pathogens, first aid, CPR, and continuing education

b. establishment information

1. establishment name;
- 2 hours of operation;
3. owner's name and address;
4. county and/or city licenses;
5. license;
6. regulated waste management record;
7. maintenance records;
8. training records;
9. emergency plan/exposure control plan/infection prevention plan;
10. safety data sheets (on inks, chemicals, cleaning agents, etc.)
11. Mill test certificates
12. spore test results from a third party

c. A complete description of standard work practices

d. Client records (see section 5)

e. A copy of these regulations.

f. Copies of reports of all adverse events that occurred at the facility.

g. A description of all pre-sterilized instruments used for body art procedures. Invoices or orders shall satisfy this requirement.

3.2 Every body art establishment shall have and comply with written procedures for infection and exposure control. All procedures developed for the written plan shall be in compliance with all applicable standards including 29 CFR 1910.1030, and all local and state regulations. These written procedures shall include, but are not limited to:

- (1) Instrument cleaning and sterilization;
- (2) Cleaning and disinfection of the procedure area(s);
- (3) Universal Precautions Procedures;
- (4) Infectious waste management plan including segregation, identification, packaging, storage, transport, treatment, disposal and contingency planning for blood spills or loss of containment of Infectious / Regulated Waste.

3.3 It shall be unlawful for any person to perform body art procedures unless such procedures are performed in a permitted body art establishment.

3.4 The body art practitioner must be a minimum of 18 years of age.

3.5 Smoking, vaping, eating, or drinking by anyone is prohibited in the area where body art preparations or procedures are performed and any location where instruments or supplies may be stored or cleaned.

3.6 The operator shall maintain a high degree of personal cleanliness to include hair, skin and clothes free of visible particulate matter and debris.

3.7 The operator shall be free of any infection or inspected infection or any other visible disease condition such as a rash that may be transmitted as a result of carrying out the body art procedure.

3.8 Before performing body art procedures, operators must thoroughly wash their hands in a hand sink as specified under Section 8.

3.9 In performing body art procedures, the operator shall wear sterile disposable gloves. The gloves shall be discarded, at a minimum, after the completion of each procedure.

3.10 If, while performing a body art procedure, the operator's glove is pierced, torn, or otherwise compromised, the compromised gloves shall be immediately discarded, and the hands washed thoroughly.

3.11 Any item or instrument used for body art that is contaminated during the procedure shall be immediately discarded or removed and replaced before the procedure resumes.

3.12 Any skin or mucosa surface to receive a body art procedure shall be free of suspected rash or any suspected visible infection.

3.13 The employer shall make available the Hepatitis B vaccine, through appropriate sources, as required in 29 CFR 1910.1030 or as amended.

3.14 If the Department or practitioners determine that splattering is likely to occur, practitioners performing body art shall wear protective eyewear.

IV. PUBLIC NOTIFICATION REQUIREMENTS

4.1 Verbal and written public educational information, approved by the Department, shall be required to be given to all clients requesting body art procedure(s) before the procedure begins. The information shall provide at a minimum:

- (i) A brief description of the procedure;
- (ii) Any precautions to be taken by the customer before the procedure;
- (iii) A description of the risks and possible consequences of the procedure;
- (iv) Instructions for care and restrictions following the procedure;
- (v) Advisory to consult a licensed physician if deemed necessary by the client and;
- (vi) The name, address, and phone number of the establishment.

Prior to the procedure, customers shall sign and date a statement indicating they received and discussed the information with the practitioner.

4.2 The facility permit holder shall publicly display the name, address and phone number of the Department and the procedure for filing a complaint.

4.3 Reporting infections, complaints of injuries. Any injury or complaint of injury, suspected infections that required treatment by a health care professional, or any notifiable diseases resulting from the body art procedure that become known to the operator or practitioner shall be reported to the Department by the operator or practitioner within twenty-four hours.

V. CLIENT RECORDS

5.1 Client records shall be collected confidentially, kept confidentially and include the following:

- (1) The customer's full name, address and telephone number;
- (2) Copy of legal document defining age;
- (3) A list of medical conditions and medications;
- (4) A list of allergies, including allergies to medicines or topical solutions used by the establishment;
- (5) History of bleeding disorders, or diseases;
- (6) Condition of skin being free of rash, infection or any other visible disease condition;
- (7) The date and time of the customer's initial visit and any subsequent visits;
- (8) A brief description of the procedure performed (type and location);
- (9) Materials used with lot numbers (such as inks, instruments, jewelry, needles)
- (10) Identification of the sterilized instrument(s) (i.e. date and time) used during the procedure that corresponds with the autoclave load log for those instruments and/or package/lot number;
- (11) If an existing tattoo, or other body art was altered, a description of the original and its alteration must be recorded;
- (12) The signature and printed name of the practitioner that performed the procedure at each visit.

5.2 Nothing in this section shall be construed to require the operator to perform a body art procedure upon a client.

5.3 Additional customer records for body art procedures performed on a minor. These records shall be kept with other records for the minor. Records must be maintained and shall include the following:

- (1) A copy of a state issued driver's license or identification card of the parent;
- (2) A copy of a school issued identification card or state issued driver's license or identification card of the minor;
- (3) A copy of any legal documents required to establish parent's legal relationship with minor;
- (4) A copy of the signed consent by minor and parent.

VI. RECORDS RETENTION

6.1 Records required in this rule shall be maintained at each establishment the current permitting period. Records may be stored elsewhere after that time frame, but they must be stored for a period of three years and be made available for review by the Department upon request.

VII. PREPARATION AND CARE OF THE BODY ART AREA

7.1 Before a body art procedure is performed, the immediate skin area and the areas of skin surrounding where the body art procedure is to be placed shall be prepped with an approved skin antiseptic in accordance with the manufacturer's instructions.

7.2 If shaving is necessary, it should be done before skin prep, and a single-use disposable razor shall be used. Razors shall be immediately discarded after each use into the sharps container.

7.3 In the event of bleeding, all products used to check the flow of blood or to absorb blood shall be single use and disposed of properly.

7.4 Before an oral body art procedure, customers must rinse their mouths with an antiseptic mouthwash.

VIII. SANITATION AND STERILIZATION PROCEDURES

8.1 All reusable instruments are to be cleaned and sterilized after each use in the processing area. If processing area is not separated by floor to ceiling walls and doors and not used for any other purpose, processing of instruments shall not occur while procedures are in process.

Instruments shall be:

- a. Soaked in an enzymatic or other appropriate solution,
- b. scrubbed to remove gross debris,
- c. rinsed and inspected, and
- d. dried.

8.2 After being cleaned, all reusable instruments used for body art shall be packed individually in peel-packs and sterilized. Peel-packs shall be marked with an expiration date not to exceed thirty days.

8.3 Every batch of sterilized equipment shall be monitored for sterilization by use of a heat sensitive indicator that is capable of indicating approximate time and temperature achieved.

8.4 A log shall be kept to document the hours of autoclave operation, result of heat sensitive monitor, type of items sterilized, spore test results, sterilization time, and maintenance of equipment.

8.5 Spore destruction tests shall be performed to demonstrate that the sterilizer used is capable of attaining sterilization. Spore tests shall be performed at a minimum of once for each autoclave every thirty days and shall be verified through an independent laboratory.

8.6 Procedure for Responding to a Positive Spore Test

- 1) Remove the sterilizer from service and review sterilization procedures (e.g., work practices and use of mechanical and chemical indicators) to determine whether operator error could be responsible
- 2) Recall, to the extent possible, and reprocess all items processed since the last negative spore test in a separate sterilizer that has negative spore test results.
- 3) Retest the sterilizer by using biological, mechanical, and chemical indicators after correcting any identified procedural problems
- 4) If the repeat spore test is negative, and mechanical and chemical indicators are within normal limits, put the sterilizer back in service
- 5) For repeat positive spore test:
 - a. Do not use the sterilizer until it has been inspected and repaired. This should be done by a factory authorized service professional, certified to repair and maintain the specific sterilizer that is being worked on.
 - b. Before placing the sterilizer back in service, rechallenge the sterilizer with biological indicator tests in three consecutive empty chamber sterilization cycles.

8.7 All instruments used for body art procedures shall remain stored in sterile packages or other containers designed for sterilizing instruments until just prior to the performance of a body art procedure.

8.8 When preparing to perform a body art procedure, the operator shall wear disposable medical gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated; the operator must use disposable sterile gloves when handling sterile equipment.

8.9 All equipment used to sterilize body art materials and reusable instruments must be suitable for their intended use.

8.10 The equipment shall be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the equipment must be available for inspection by the Department.

8.11 Sterile equipment and body art materials may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.

8.12 If the body art establishment uses only single-use, sterile, disposable instruments, body art materials, and sterile supplies, an autoclave shall not be required.

8.13 All inks, dyes, and pigments shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions.

8.14 Only sterilized water may be used for the mixing or diluting of approved inks, dyes, or pigments. Such dilution must be single-use for the individual procedure.

8.15 Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use plastic cups or caps. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

8.16 Reusable cloth items shall be mechanically washed with detergent and EPA-registered hospital tuberculocidal disinfectant in water at a minimum of 140° F, unless an approved tuberculocidal disinfectant is applied in the rinse cycle or the dryer uses heat above 140° F as specified by the manufacturer. Clean cloth items shall be stored in a clean, dry environment until used. Soiled laundry shall be stored in a nonabsorbent container until removed for laundering and shall be stored separate from clean cloths

8.17 Before and after performing body art procedures, the operator must thoroughly wash their hands according to the below approved handwashing procedure:

1. Remove all rings, watches and bracelet surrounding your hands.
2. Turn on warm water, wet hands, and apply soap.
3. Rubbing your hands together make a good soapy lather.
4. Make sure you include all your fingers, between your fingers, thumbs, nails, cuticles, wrists, palm to palm, and the top of your hands.
5. Rinse your hands with your fingers pointed up towards the faucet and rinse down to your wrists.
6. Pat dry with clean disposable towel.
7. Use a new clean disposable towel to turn off the handles of the sink.
8. Use a new clean disposable towel to open the door out of the washing station if applicable.

IX. REQUIREMENTS FOR SINGLE-USE ITEMS

9.1 Single-use items shall not be used on more than one client for any reason.

9.2 Single-use items shall be stored clean, dry, covered, off the floor and if possible in the original container.

9.3 After use, all single-use needles, razors, and other sharps shall be immediately disposed of in approved sharps containers.

9.2 All products applied to the skin, including body art stencils, shall be single use and disposable. Products used in the application of stencils shall be dispensed and applied on the area to be tattooed with a suitable sterile product and used in a manner to prevent contamination of the original container and its contents. The sterile product shall be used only once and then disposed properly.

X. REQUIREMENTS FOR PREMISES

10.1 Structural, electrical, mechanical, ventilation, and plumbing components of buildings shall comply with all applicable building and zoning codes.

10.2 All walls, floors, and procedure surfaces of a body art establishment shall be smooth, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition.

10.3 All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.

10.4 All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.

10.5 All body art establishments shall be completely separated by solid partitions or by walls extending from floor to ceiling, from any room used for human habitation, any food establishment or room where food is prepared, any hair salon, or any other such activity that may cause potential contamination of work surfaces.

10.6 Effective measures shall be taken by the operator to protect against the entrance, breeding or presence of insects, vermin and rodents. Openings to the outside shall be protected by such means as self-closing doors, screened or closed windows. Screening material shall not be less than sixteen mesh to the inch.

10.7 There shall be a minimum of 45 square feet of floor space for each procedure area in the establishment. Each establishment shall have an area that may be screened from public view for clients requesting privacy.

10.8 The establishment shall be well-ventilated and provided with an artificial light source equivalent to at least 20-foot candles 3 feet off the floor, except that at least 100-foot candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

10.6 No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations. Fish aquariums shall be allowed in waiting rooms and non-procedural areas.

10.7 A separate, readily accessible hand sink supplied with soap, and disposable paper towels shall be readily accessible within the body art establishment and solely used for hand washing and shall be provided at a ratio of no less than one sink per every three practitioners.

10.8 Restrooms shall be available in the establishment. Each restroom shall be supplied with a sink with hot and cold running water that passes through a mixing type of faucet. Each restroom shall be supplied

with liquid soap, toilet tissue, single-use paper towels, and a waste receptacle. Restrooms shall have self-closing doors.

10.9 If reusable instruments are used in a body art establishment, a separate sink for cleaning instruments shall be located in a separate area in the establishment, away from public access, where only contaminated instruments are kept and cleaned prior to sterilization.

10.10 Sewage, including liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.

10.11 Water shall be supplied from a source approved by the Health Department.

10.12 At least one waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily, and municipal solid waste shall be removed from the premises at least weekly. All refuse containers shall be cleanable and kept clean.

10.13 Each one-compartment sink and autoclave must have an adequate size, depth or capacity to submerge or otherwise accommodate the instruments being cleaned or autoclaved. Waste must be discharged through an indirect drain.

10.14 All chemicals shall be labeled with contents, properly stored, and used according to label instructions.

XI. ESTABLISHMENT PERMIT

11.1 It shall be unlawful for any person to operate a body art establishment within the boundaries of the Teton Health District without first obtaining a permit from the Health Department. The operation of a body art establishment without the required permit is hereby declared unlawful. The operator of a body art establishment shall conspicuously post or display the body art establishment permit so that it is readily viewable by customers of such establishment.

11.2 The puncturing of the outer perimeter or lobe of the ear with a pre-sterilized single-use and clasp-earpiercing system shall not be regulated under this rule.

11.3 Physicians licensed by the State of Wyoming, who perform either independent of or in connection with body art procedures as part of patient treatment are exempt from these rules.

11.4 An application for a permit to operate a body art establishment shall be submitted to the Health Department on forms provided by the Health Department and shall include:

(1) The operator's full name, mailing address, phone number, and a statement identifying the operators;

(2) If the operator is a partnership, the name, mailing address and phone number of each partner;

(3) The establishment name, location, and the types of body art and other services offered;

(4) A to-scale drawing of all pertinent aspects of the establishment, including a description of materials used for all surfaces and the establishment floor plan;

- (5) The number of body art stations;
- (6) The signature of the operator or operators; and
- (7) Such other pertinent information as requested on such forms.

11.5 If more than one establishment will be operated by the operator; a separate application and fees shall be required for each location.

11.6 Permit fees:

The fee for a body art establishment permit shall be as follows:

Body Art Establishment	Initial	Renewal
	\$175.00	\$125.00

11.7 Upon receipt of a complete application for a new permit and the applicable fees, the Department shall make an inspection of the operator’s establishment within thirty days to determine if the proposed establishment complies with the provisions of this rule and any other applicable law or standard.

11.8 If the application and establishment inspection results comply with the provisions of this chapter, a permit to operate a body art establishment shall be issued within a reasonable time not to exceed fourteen days.

11.9 Upon receipt of an application for a permit renewal and application fees, the Health Department may issue the permit without conducting an inspection.

11.10 A permit issued hereunder is strictly limited to the operator and establishment specified in the permit.

11.11 A permit shall be non-transferable from one operator to another or from one establishment to another.

11.12 Any change of operator or establishment location shall require a new application and permit, with payment of fees thereof.

11.13 The Health Department may refuse to issue or may suspend or revoke a permit if the operator:

- (1) The applicant has made false statements on the license application;
- (2) Has violated provisions of this chapter.

11.14 All body art establishment permits granted under the provisions of this chapter shall be due for renewal on the January 1st of the year following the date of issuance of the permit.

11.15 An operator who fails to renew the permit within 30 days of the expiration must reapply and pay the initial fee.

11.16 An operator who fails to renew the permit before it expires is operating without a valid permit and shall be subject to closure or other appropriate enforcement action determined by the Health Department.

VII Operator Permit

12.1 Every person who performs body art shall hold a valid body art practitioner permit. The performance of body art procedures without the required permit is hereby declared unlawful. A body art practitioner shall conspicuously post or display practitioner permit so that it is readily viewable by customers of such practitioner. A body art practitioner must follow the requirements of body art establishments that are provided for by this chapter and other applicable laws. A failure to follow these requirements are grounds for suspension or revocation of practitioner permit in addition to any other penalty provided for by law. It shall be unlawful for any person to perform body art except in a body art establishment holding a current permit.

12.2 An application for a body art practitioner permit shall be submitted to the Department on forms provided by the Department. Each application shall include:

- (a) The practitioner's full name, mailing address, and telephone number;
- (b) The name of the establishments where they will perform body art;
- (c) The signature of the practitioner;
- (d) Proof of attendance at an OSHA bloodborne pathogen training program (or equivalent), approved by the Department.;
- (e) Verification of completing training and specified in this rule; and
- (f) Such other pertinent information as requested on such forms.

12.3 Applicant shall demonstrate knowledge of the following subjects:

- a. anatomy
- b. skin diseases, disorders, and conditions (including diabetes)
- c. infectious disease control
- d. biomedical waste, including sharps, segregation and disposal
- e. handwashing procedures
- f. sterilization equipment operation and methods
- g. cleaning / sanitization/disinfection/sterilization procedures
- h. maintaining a sterile field during a body art procedure
- i. personal hygiene
- j. aseptic technique
- k. universal precautions
- l. disease / injury prevention
- m. disease reporting

12.4 Upon receipt of an application for a body art practitioner permit, the Health Department shall review the application to determine compliance with this chapter and any other applicable law.

12.5 The Health Department shall complete the review and issue or deny the permit within a reasonable time, not to exceed thirty days.

12.6 A permit shall be issued if the Health Department determines that the practitioner complies with this rule and any other applicable law or standard.

12.7 A body art practitioner permit is not transferable from one person to another.

12.8 A body art practitioner permit shall be valid until January 1st of the following year from the date of issuance.

12.9 Failure to comply with the body art practitioner permit requirements may be grounds for suspension or revocation of the body art practitioner permit and/or the body art establishment permit.

12.10 The fee for a body art practitioner permit shall be as follows:

Initial Fee \$100.00	Renewal Fee \$50.00
----------------------	---------------------

12.11 All operator permits shall be posted in a prominent and conspicuous area where they may be readily observed by clients.

XII Temporary Establishment/Operator Permit

Unless specified elsewhere in these requirements, temporary establishments shall meet the same requirements as body art establishments at fixed locations.

Mobile, Temporary, Permanent

13.1 Temporary establishment permits and, when required, operator permits may be issued for body art services provided outside of the physical site of a certified facility for the purposes of product demonstration, industry trade shows or education.

a. Temporary operator and/or establishment permits will not be issued unless

1.the applicant furnishes proof of compliance with sections A and B above relating to operators' permits;

2.the applicant is currently affiliated with a fixed location or permanent facility which, where applicable, is permitted by the appropriate state and/or local jurisdiction; and

3.the temporary site complies with Section 12, "Temporary Demonstration Permit Requirements", of this code.

b. Temporary permits expire after 14 days or the conclusion of the special event, whichever is less.

c. The fee for a temporary operator and/or establishment permit shall be:

Operator	Establishment
\$50.00	\$75.00

d. Temporary establishment/operator permit shall not be transferable from one place or person to another.

e. Temporary establishment/operator permit shall be posted in a prominent and conspicuous area where they may be readily seen by clients.

XIV. TEMPORARY DEMONSTRATION PERMIT REQUIREMENTS

14.1 A temporary permit for performing body art procedures may be issued by the Department for educational, trade show, convention, public event, performance, or product demonstration purposes only. The permit may not be good for more than 14 calendar days.

14.2 A person who wishes to obtain a temporary demonstration permit must submit the request in writing for review by the Department, at least thirty days prior to the event. The request should specify

- a. the purpose for which the permit is requested;
- b. the period of time during which the permit is needed (not to exceed 14 calendar days per event), without reapplication;
- c. the fulfillment of operator requirements as specified in Section XI, subsection C;
- d. the location where the temporary demonstration permit will be used.

14.3 The applicant's demonstration project must be contained in a completely enclosed, nonmobile facility (e.g., inside a permanent building).

14.4 Compliance with all of the requirements of this code includes but is not limited to the following:

- A. Facilities to properly sterilize instruments- and evidence of a spore test performed on sterilization equipment 30 days or less prior to the date of the event, must be provided; or only singleuse, prepackaged, sterilized equipment marked with an expiration date, lot number, and method of sterilization.
- B. Ability to properly clean and sanitize the area used for body art procedures
- C. Temporary operator permit
- D. Have floor space of at least 50 square feet for each operator
- E. Have cleanable, or disposable flooring
- F. Area that can be screened from public view for privacy
- G. Temporary hand sink with hot and cold running water
- H. A place for disposing water from hand sink
- I. Sharps container
- J. Plan for removal of the biomedical waste by a licensed transporter
- K. Approved sanitary sewer or septic tank where water shall be disposed

14.5 The facility where the temporary demonstration permit is needed must be inspected by the Department and a permit issued prior to the performance of any body art procedures.

14.6 Temporary demonstration permits issued under the provisions of this code may be suspended by the Department for failure of the holder to comply with the requirements of this rule.

14.7 All establishment and operator permits and the local regulatory agency contact information must be posted in public view.

XV. MOBILE BODY ART ESTABLISHMENTS

In addition to complying with all of the requirements of this rule, mobile body art vehicles and operators working from a mobile body art establishment shall also comply with all of the following requirements.

15.1 Mobile body art establishments are permitted for use only at special events, lasting 14 calendar days or less. Permits must be obtained at least 14 days prior to the event, and no body art procedures are to be performed before a permit is issued. Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.

15.2 Body art performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile home or mobile vehicle. No body art procedures shall be performed outside of the enclosed vehicle.

15.3 The mobile body art establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight fitting. Openable windows shall have tight fitting screens.

15.4 If the establishment is not completely disposable, then the mobile body art establishment must have approved sterilization equipment available, in accordance with all requirements of Section VIII, "Sanitation and Sterilization Procedures".

15.5 The mobile body art establishment shall be used only for the purpose of performing body art procedures. No habitation or food preparation is permitted inside the vehicle.

15.6 The mobile body art establishment shall be equipped with an equipment-washing sink and a separate hand sink for the exclusive use of the operator for handwashing and preparing the client for the body art procedures. The hand-sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, and liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the mobile body art establishment at all times during operation. The source of the water and storage (in gallons) of the tank(s) shall also be identified.

15.7 All liquid wastes shall be stored in an adequate storage tank with a capacity at least 15 percent greater than the capacity of the on-board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.

15.8 Restroom facilities must be available within the mobile body art establishment or readily accessible from the mobile establishment. A hand sink must be available inside the restroom cubicle. The hand sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, as well as soap and paper towels in dispensers. Restroom doors must be self-closing, and adequate ventilation must be available.

15.9 An accessible approved sanitary sewer or septic tank where water shall be disposed.

15.10 All body art operators working in a mobile body art establishment must have an operator permit and comply with the operator requirements of this Rule.

15.11 No animals, except service animals (as allowed by the ADA) of clients shall be allowed in the mobile body art establishment at any time.

15.12 Mobile body art establishments must receive an initial inspection at a location specified by the Department prior to use to ensure compliance with structural requirements. Additional inspections will be performed at every event where the mobile body art establishment is scheduled to operate.

15.13 All mobile body art establishment and operator permits and the Department contact information must be posted in public view.

XVI INSPECTION

16.1 The Health Department shall conduct an inspection of each body art establishment before an initial permit is issued.

16.2 The Health Department may conduct periodic inspections of each body art establishment as often as required to ensure compliance with this rule, but in no event less than once a year.

16.3 An operator shall permit the Health Department to inspect at any reasonable time for the purpose of determining compliance with the provisions of this rule.

16.4 The Health Department shall record the inspection findings on an inspection report. The Department shall furnish the original inspection report to the body art establishment operator.

16.5 The inspection report shall:

- (1) Set forth specific conditions found;
- (2) Establish a specific and reasonable period of time for correction of violations of the provisions of this rule, if any;
- (3) State that failure to correct the violations within the period of time specified may result in immediate suspension or revocation of the permit and prosecution for violation of this chapter;

16.6 A warning notice may be issued for violations that the Health Department determines pose an imminent health risk. Such warning notice shall:

- (1) Set forth specific conditions found;
- (2) Establish a specific and reasonable period of time for correction of such violations;
- (3) State that failure to comply with the warning notice may result in immediate suspension or revocation of the permit and prosecution for violation of this rule;
- (4) State that operator may request a hearing before the Health Department upon such inspection findings and warning notice by filing a written request with the Health Department.

16.7 After the time period given for correction in the inspection report or warning notice, the Health Department shall re-inspect the establishment to determine compliance.

16.8 The completed inspection report form and the warning notice are public documents that shall be made available for public disclosure to any person who requests it according to law.

XVII SUSPENSION, REVOCATION

17.1 It shall be a condition of any permit issued under this rule that it may be suspended or revoked at any time by the Health Department for the violation of the provisions of these rules . Any permits granted under this chapter shall be subject to suspension or revocation in the following manner:

- (a) The Health Department shall notify the operator or practitioner of the violation;
- (b) The Health Department may suspend the permit for an appropriate period of time not to exceed ninety days or revoke the permit;
- (c) The suspension or revocation shall be effective immediately upon notice;
- (d) The operator or practitioner shall have a right to appeal to the Teton District Board of Health;
- (e) It shall be unlawful to continue to operate or cause, permit or allow body art procedures after the operator receives notice of suspension or revocation. It shall be unlawful for the practitioner to perform body art procedures on another person after receiving notice of suspension or revocation;
- (f) Actions for reinstatement, hearing, or appeal shall not stay or delay the suspension or revocation in any manner.

XVIII Suspended Permit; Reinstatement.

18.1 Any operator or practitioner whose permit has been suspended may apply for reinstatement of such permit. The application shall provide the same information as for a new permit and shall also include a statement signed by the operator or practitioner that the conditions causing suspension of the permit have been corrected.

18.2 The Health Department shall inspect or review the application as for a new permit, except, the Department shall make the establishment inspection within three business days after receiving the application for reinstatement and the reinstatement fee. The Health Department shall make a determination if a practitioner permit shall be reinstated within five business days after receiving the application for reinstatement and the reinstatement fee.

18.3 The Health Department shall reissue or reinstate the permit if the conditions causing suspension of the permit have been corrected and upon payment of a reinstatement fee of \$175.00.

XIX Revoked Permit; Application for New Permit

19.1 Any operator or practitioner who has had their permit revoked by the Health Department does not qualify for reinstatement. The operator or practitioner must make an application for a new permit and cannot obtain a new permit until at least ninety days have passed since the date of the revocation notice.

XX Hearings

20.1 All hearings before the Teton District Board of Health shall be conducted in accordance with the Teton District Health Department Rules for Contested Case Practice and Procedure.

XXI VARIANCES

21.1 Requests for variances for requirements in this chapter must be submitted to the Health Department in writing. Variances must comply with all applicable laws. The Health Department shall act on the request for variance within thirty days.

XXII Liability of Operator.

22.1 Every act or omission of whatsoever nature constituting a violation of any of the provisions of this chapter, by an officer, Department, manager or other agent or employee of any operator if said act is committed or omission is made with the authorization, knowledge, or approval of the operator, shall be deemed and held to be the act of such operator, and said operator shall be punishable in the same manner as if said act or omission had been done or omitted by such operator personally.

XXIII Penalty for Violations

23.1 The violations of any of the provisions of this chapter, or the violation of any other federal, state, or local regulations, in connection with the operation of the business by the operator or any employees or agents of the operator, shall be cause sufficient to justify the revocation or suspension of the permit by the Teton District Health Department. Such revocation or suspension shall be cumulative with to any other penalty or fine imposed by the Federal, state, and local regulations, or the laws of the State of Wyoming.

PROHIBITIONS

Restrictions; Minors; person under the Influence or Mentally Incompetent.

24.1 No practitioner or any other person shall perform body art on any person who appears to be under the influence of alcohol, narcotic drugs, stimulants, or depressants, or who appears to be mentally incompetent.

24.2 Limitations of Body Art on Minors

Pursuant to Wyoming Statute §14-3-107 no person shall knowingly perform body art upon or under the skin of a person who has not reached 18, except when the consent of the person's parent or legal guardian who is present at the time the body art procedure is performed upon the person. The person performing the body art procedure shall demand proof of age prior to administering the body art procedure upon the person. A motor vehicle driver's license, a registration card issued under the Federal Selective Service Act, an identification card issued to a member of the armed forces, a valid United States Passport, a tribal identification card issued by the Eastern Shoshone Tribe of Wyoming or the Northern Arapahoe Tribe of Wyoming or an identification card issued by the department of transportation is prima facie evidence of the age and identity of the person.

Violation of this provision is a violation of Wyoming Statute §14-3-107 and is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

