

# AB 517

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As amended: April 13, 2009

Summary: Establishes the Safe Body Art Act to provide minimum statewide standards for the regulation of practitioners engaged in the business of tattooing, body piercing, and the application of permanent cosmetics in California. Specifically, this bill:

- 1) Repeals existing law governing the development of body art standards for persons engaged in the business of tattooing, body piercing, or permanent cosmetics.
- 2) Requires every body art practitioner to register with the local enforcement agency (LEA) by June 10, 2010, and prohibits a person from performing body art if he or she is not registered with the LEA beginning on April 10, 2010.
- 3) Requires the applicant to provide specified information as a condition of registration including, among other things, the following: evidence of current Hepatitis B vaccination; evidence of completion of training in bloodborne pathogens, first aid, and CPR; proof that he or she is 18 years or older; self-certification of knowledge and commitment to the state law and relevant local regulation; and payment of a registration fee, to be determined by the LEA in an amount sufficient to cover actual administrative costs.
- 4) Requires a practitioner to display the registration certificate in a readily visible place at the facility where the practitioner is performing body art and makes a valid current registration issued by a LEA valid in any other jurisdiction for no more than five consecutive days, or 15 total, in any one calendar year.
- 5) Specifies that the bloodborne pathogens training pursuant to 3) above must be specific to the practitioner's practice and meet specified criteria, including classroom training that discusses specified elements.
- 6) Directs an owner of a body art facility to provide the specified bloodborne pathogens training to all employees, contractors, and volunteers who perform duties within the cleaning and sterilization area or procedure area of the facility. Requires each person who completes the bloodborne pathogens training to complete a minimum of two hours of updated training each year.
- 7) Specifies that records of bloodborne pathogens training must be maintained for three years and available for inspection upon request of the LEA.
- 8) Prescribes a number of hygiene and sanitation procedures for a practitioner to follow before performing body art and at the completion of the procedure. Directs the practitioner to maintain a clean and sanitary environment as specified.
- 9) Requires jewelry to meet specific sterilization and material requirements prior to being placed in newly pierced skin.

- 10) Requires various specified products applied to the skin before tattooing or the application of permanent cosmetics to be single use and properly discarded at the end of the procedure unless the product can be disinfected for reuse.
- 11) Prescribes various requirements for commercially manufactured inks, dyes, pigments, soaps, trays, single-use needles, needle bars, grommets, razors, machines, and tools used in the performance of body art.
- 12) Imposes various restrictions on the performance of body art including that the client must be at least 18 years of age to receive a tattoo or permanent cosmetics application, regardless of parental consent; or, if under the of 18, the client must only receive a body or earlobe piercing in the presence of, or with the written authorization of, a parent or guardian.
- 13) Requires a client to read, complete, and sign an informed consent form containing specific information prior to the performance of body art.
- 14) Clarifies that body piercing does not include piercing an earlobe with a disposable, single-use device stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear. Requires sites that perform this activity to meet specified registration, sanitation, and training requirements.
- 15) Prohibits a body art facility from conducting business without a valid health permit issued by a LEA and requires the application for a health permit to include a copy of the facility's infection prevention control plan and a specified fee as determined by the LEA.
- 16) Specifies that the health permit is valid only for the location of the facility and the time period indicated on the permit and is non-transferable. Requires the health permit and certificates of registration for all practitioners performing body art in the facility to be posted prominently at the body art facility.
- 17) Requires a person who proposes to construct a practice site or mobile practice site, other than a temporary body art event booth, to submit plans and a specified fee to the LEA for review. Requires the plans to be reviewed before any building, plumbing, or electric permits are issued and requires any corrective action to be taken and the site approved to open before any body art can be performed.
- 18) Specifies that a facility's infection prevention control plan pursuant to 15) above is required to identify procedures for achieving compliance with certain requirements relating to cleaning, disinfecting, packing, storing, and decontaminating instruments and procedure sites during the performance of body art. Requires the plan to include an inventory of all chemicals and disinfectants, as specified.
- 19) Requires training on the facility's infection prevention control plan to occur not less than once a year, and each time that tasks in which occupational exposure may take place are initially assigned, procedures or tasks change, and new technology is adopted for use in the facility.
- 20) Specifies that records of infection prevention control plan training must be maintained for three years and available for inspection upon request of the LEA.
- 21) Requires a permanent body art facility to comply with specified building requirements and meet specified standards for procedure areas and cleaning and sanitation areas within the facility.
- 22) Requires a body art facility to conform to a number of specifies sterilization procedures and maintain sterilization records.

- 23) Specifies that a practitioner who performs body art in a vehicle in a jurisdiction for more than seven days in a consecutive 90-day period is required to obtain a health permit from the LEA in that jurisdiction. States that a vehicle that will be operating in the jurisdiction for less than seven days in a consecutive 90-day period is a temporary demonstration booth subject to the requirements in this bill governing temporary body art facilities.
- 24) Allows a practitioner to operate in a temporary demonstration booth for a maximum of seven days in a 90-day period in the local jurisdiction of registration provided that the booth meets certain specified requirements.
- 25) Requires the sponsor of a temporary body art event to apply for and obtain a sponsor's health permit from the LEA in the jurisdiction where the event will be held and makes the sponsor responsible for ensuring the availability of support facilities and supplies for practitioners and vendors as specified.
- 26) Permits a LEA officer to enter a body art facility during the facility's hours of operation and other reasonable times to conduct specified inspection and compliance activities. Requires the LEA officer, upon completion of these activities, to make a written report and furnish a copy to the owner or the practitioner.
- 27) Authorizes a LEA officer to impound any instruments found to be unsafe based upon the inspection findings or other evidence and requires the LEA to initiate proceedings to release the impounded instrument or seek remedies for its disposal within 30 days.
- 28) Makes it a violation of this bill for the owner or any other person working in a body art facility to conceal or withhold records or evidence, interfere with the performance of a LEA officer, or knowingly falsify or misrepresent information required to be submitted or maintained by this bill. Allows a LEA to suspend a certificate of registration or health permit for a violation of this bill.
- 29) Requires a body art facility or practitioner whose certificate of registration or health permit has been suspended to cease doing business until the certificate or permit has been reinstated. If a body art facility's health permit has been revoked, the facility is required to remain closed until a new permit is issued.
- 30) Provides for specified due process whenever a LEA officer finds that a practitioner or body art facility is not in compliance with the requirements of this bill.
- 31) Makes it a misdemeanor to perform body art without being registered, operate a body art facility without a health permit, or operate a temporary body art event without a health permit, and authorizes the LEA to assess an administrative penalty of \$25 to \$1000 for the violation of any provisions of this bill.
- 32) Allows a city, county, or city and county to adopt regulations and ordinances that do not conflict with, or are more comprehensive than, the provisions of this bill. Specifies that a regulation or ordinance enacted by a local jurisdiction that conflicts with the provisions of this bill remains in effect, to the exclusion of the conflicting provisions of this bill, until January 1, 2012.
- 33) Defines various terms for purpose of this bill.