

# **FREMONT COUNTY BODY ART REGULATIONS**

**Adopted June 30<sup>th</sup>, 2009  
With An Effective Date of July 1<sup>st</sup>, 2009  
By Resolutions # 30 and # 31, Series 2009**

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# Body Art Regulations

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# Rules and Regulations For Body Art Establishments In Fremont County

## Section 1: Definitions and Purpose:

**1-101** Section 25-4-2101, C.R.S., provides that a local board of health may adopt and enforce resolutions or rules that impose standards for body art that are at least as stringent as the standards imposed by rules adopted by the Colorado Department of Public Health and Environment. Therefore, the Fremont County Board of Health hereby adopts and modifies these rules for the purpose of establishing the safe and sanitary practice of body art, including the physical environment where body art is performed, and the equipment used in body art procedures within Fremont County.

### **1-102** Definitions:

- (a) **Aftercare Instructions:** Written instructions given to the client, specific to the body art procedure(s) rendered. These instructions shall include information regarding when to seek medical treatment, if necessary.
- (b) **Agency:** Means the Fremont County Public Health Agency.
- (c) **Antiseptic:** A substance that inhibits growth of bacteria and other microorganisms when applied to the skin (e.g., chlorhexadine gluconate, alcohol, and iodophor). It should not be used to decontaminate inanimate objects.
- (d) **Board of Health:** The Fremont County Board of Health.
- (e) **Body Art Establishment:** Any location, whether temporary or permanent, where the practices of body art are performed.
- (f) **Body Art:** The practice of physical body adornment by establishments or artists utilizing, but not limited to, the techniques of body piercing, tattooing, branding, sculpting, and scarification. This definition does not include practices conducted under the supervision of a physician licensed to practice medicine under Colorado law nor piercing of the outer perimeter or lobe of the ear by means of sterilized stud-and- clasp ear piercing systems.
- (g) **Body Artist:** Any person who performs body art procedures.
- (h) **Branding:** A potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.

- (i.) **Contaminated:** The presence or reasonably anticipated presence of blood, infectious materials or other types of impure materials that have corrupted a surface or item through contact.
- (j.) **Contamination:** To make unfit for use by the introduction or potential introduction of blood, infectious materials or other types of impure materials.
- (k.) **Department:** The Colorado Department of Public Health and Environment, or its authorized agents, and employees.
- (l.) **Disinfectant:** An EPA registered hospital grade disinfectant which has effectiveness against *Salmonella choleraesuis*, *Staphylococcus aureus* and *Pseudomonas aeruginosa* or a 1:100 dilution of 5.25% sodium hypochlorite (chlorine bleach) and water, made fresh daily, dispensed from a spray bottle, and used to decontaminate inanimate objects and surfaces.
- (m.) **Disinfection:** To destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces.
- (n.) **Extensive Remodeling:** Any physical modification to a facility that requires a permit from the Fremont County Building Department, Cañon City, Colorado 81212 Building Department, Florence Building Department, or the building departments of Williamsburg, Rockvale or Coal Creek.
- (o.) **Gloves:** Those which are disposable and single use, and are labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy-duty, multi-use and waterproof.
- (p.) **Hectographic:** A copy made from a prepared gelatin surface to which the original document has been transferred.
- (q.) **Infectious Waste or Regulated Waste:** Blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials; items caked with blood or other potentially infectious materials that can release these materials upon handling; contaminated sharps; and human pathological/anatomical waste.
- (r.) **Invasive:** Entry through the skin or mucosa either by incision or insertion of an instrument body ornament, or any other means.
- (s.) **Jewelry:** Any ornament inserted into the body, which must be

made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold; niobium, titanium, or platinum; or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces.

- (t.) **Minor:** A person under the age of eighteen (18).
- (u.) **Operator:** Any natural person or business entity that owns a body art establishment, and is responsible for compliance with these regulations.
- (v.) **Person In Charge:** The owner, manager or individual(s) present at the body art establishment who is responsible for the operation at the time of an inspection. If no individual is responsible, then any employed person present is the person in charge. If multiple body artists share operation of the establishment, then each artist shall be considered a person in charge and shall be accountable for all requirements of this regulation with regard to common areas and practices in addition to his/her own separate areas and practices.
- (w.) **Piercing:** Puncturing or penetration of the skin or mucosa of a person and the insertion of jewelry or other adornment in the opening, except that puncturing of the outer perimeter or lobe of the ear with sterilized stud—and—clasp ear piercing system shall not be included.
- (x.) **Pre-Sterilized Instruments:** Those that are commercially sterilized by the manufacturer. Packaging shall bear a legible sterilization lot number and expiration date.
- (y.) **Procedure Area:** Any surface of an inanimate object that contacts the client's skin during a body art procedure and all surfaces where instruments and supplies are placed during a procedure.
- (z.) **Scarification:** An invasive procedure in which the intended result is the production of scar tissue on the surface of the skin.
- (aa.) **Sculpting:** Means a modification of the skin, mucosa, cartilage, or tissue of the body for non-medical purposes.
- (bb.) **Sharps Container:** A puncture-resistant, leak-proof, rigid container that can be closed for handling, storage, transportation and disposal and is labeled with the Universal Biological Hazard Symbol.

- (cc.) **Sharps:** All objects (sterile or contaminated) that may purposely or accidentally cut the skin or mucosa including, but not limited to, single use needles, scalpel blades and razor blades. It does not include disposable safety razors which have not broken the skin.
- (dd.) **Single-Use:** A disposable item which may only be used one time on one individual, and shall then be properly discarded.
- (ee.) **Sterilization:** A process that result in the total destruction of all forms of microbial life, including highly resistant bacterial spores.
- (ff.) **Sterilizer:** An autoclave that is designed and labeled by the manufacturer as a medical instrument sterilizer and is used for the destruction of microorganisms and their spores.
- (gg.) **Substantial Compliance:** That during the most recent health and sanitation inspection by Fremont County Environmental Health Services no critical violations and no more than 5 violations in total were cited.
- (hh.) **Tattooing:** Inserting pigment under the surface of the human skin or mucosa by pricking with a needle or other means, to permanently change the color or appearance of the human skin or to produce an indelible mark or figure visible through the human skin.
- (ii.) **Temporary Event:** Either a trade show, fair, street market, flea market, and other similar events at which people assemble outside or in otherwise open facilities, whether under roof or not, for the purpose of sale, trade, barter, or exchange of goods or services.
- (jj.) **Universal Precautions:** A set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B and other blood borne pathogens as defined by the Centers for Disease Control. Under Universal Precautions, blood and certain body fluids of all individuals are considered infectious.

**Section 2: Minimum Requirements For Body Artists:**

**2-201 All body artists shall comply with the following:**

- (a.) Possess and demonstrate knowledge of Universal Precautions, disinfection and sterilization techniques, procedures for infection and exposure control required in section 7-701(a), and the Infectious Waste Management Plan required in Section 7-701(b)4; and

- (b.) Receive vaccination against hepatitis B (HBV) or provide a written statement from a licensed physician to the manager or owner of the body art establishment stating that the physical condition of the body artist is such that the immunizations would endanger his or her life or health, or is medically contraindicated due to other medical conditions.

**Section 3: Minimum Requirements For Body Art Establishments:**

**3-301** Prior to opening a body art establishment, the operator is required to obtain a Certificate of Substantial Compliance from the Department/Agency. A Certificate of Substantial Compliance is valid for a period of up to one calendar year, and shall be renewable on the first of January of each year.

**3-302** The body art establishment must have a person(s) in charge at all times who is responsible for the operation.

**3-303** The following information on each body artist or employee of a body art establishment shall be on file and available for inspection by the Department /Agency:

- (a.) Full legal name;
- (b.) Home address;
- (c.) Home phone number; and
- (d.) Proof that all employees handling sharps and/or infectious waste have either completed or declined in writing; and in accordance with a waiver from their physician, the hepatitis B vaccination series. This offering shall be included as a pre-employment requirement and comply with 2-201(b).

**3-304** The person in charge shall have access to the following information and it shall be on the premises for review by the Department/Agency:

- (a.) Contract or agreement for sharps disposal and/or other Infectious/Regulated Waste disposal;
- (b.) Spore test log and test results;
- (c.) Client records;
- (d.) Manufacturer's information on sterilization equipment; and
- (e.) Infection and exposure control written procedures.

**Section 4: Client Records:**

**4-401** The person in charge shall have access to and shall maintain client records on the premise for a minimum of three (3) years. The client records shall be available for review by the Department/Agency.

**4-402** The following information shall be documented and used by the body artist to determine the client's suitability for receiving a body art procedure. In order to assure insofar as possible the proper healing of a client following a body art procedure, the client shall be asked to disclose if he/she has any of the following:

- (a.) Diabetes;
- (b.) Hemophilia;
- (c.) Skin diseases or skin lesions;
- (d.) Allergies or adverse reactions to latex, pigments, dyes, disinfectants, soaps or metals;
- (e.) Treatment with anticoagulants or other medications that thin the blood and/or interfere with blood clotting; and
- (f.) Any other information that would aid the body artist in the client's body art healing process evaluation.

**4-403** A Client consent form shall be completed for all procedures and include the following:

1. Name, address, and phone number of the establishment and the name of the body artist who performed the procedure;
2. Direction of when to consult a physician to include signs of infection, allergic reaction and expected duration of healing;
3. Detailed description of how to care for the body art procedure site;
4. Explanation that body art should be considered permanent; and
5. Possible side effects from the procedure.

**4-404** In the case of a minor client, the following additional information shall be recorded on the client consent form:

- (a.) The custodial parent's or legal guardian's name and their signed

statement attesting to their status as custodial parent or legal guardian of the minor client;

- (b.) A description or copy of documentation shown to the body artist to indicate parentage or guardianship such as an original copy of a birth certificate, or original court order of guardianship; and
- (c.) A copy of a state or federal photo I.D. of the person attesting to their status as custodial parent or legal guardian of the minor client, and their signed written consent to allow a specific body art service to be performed on the minor client.

**Section 5: Facility and Operational Requirements:**

- 5-501** All procedure areas and instrument cleaning areas shall have floors, walls and ceilings constructed of smooth, nonabsorbent and easily cleanable material. Outer openings shall provide protection against contamination from dust and other contaminants.
- 5-502** Toilet facilities shall be provided and shall be made available to both patrons and employees during all business hours. Floors and walls within toilet facilities shall be constructed of smooth, nonabsorbent and easily cleanable material.
- 5-503** The premises shall be maintained clean and in good repair.
- 5-504** At least fifty (50) foot candles of artificial light shall be provided at the level where the body art procedure is performed and in instrument cleaning and sterilization areas.
- 5-505** All surfaces, including, but not limited to, counters, tables, equipment, chairs, recliners, shelving and cabinets in the procedure area and instrument cleaning room, and toilet room(s), shall be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.
- 5-506** Hand sinks shall be supplied with hot and cold running water delivered through a mixing faucet and under pressure. The minimum allowable hot water temperature at hand sinks is 90°F (35°C). Hand sinks shall be easily accessible to each procedure area and shall be located so that one artist does not potentially contaminate another artist's area. Each hand sink shall be provided with soap and disposable towels or a hand-drying device providing heated air. In addition, a hand sink shall be provided in or adjacent to each toilet room.
- 5-507** Distinct, separate areas shall be used for cleaning equipment,

wrapping/packaging equipment, and for the handling and storage of sterilized equipment.

- 5-508** Instrument cleaning sinks, hand-washing sinks, and, where provided, utility sinks shall be separate and shall only be used for their designated purpose.
- 5-509** Water shall be supplied from a source approved by the Department.
- 5-510** Sewage, including all liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.
- 5-511** Refuse, excluding infectious wastes, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.
- 5-512** All facilities shall have a waiting area that is separate from the body art procedure area, and from the instrument cleaning, sterilization, and storage areas.
- 5-513** Reusable cloth items shall be mechanically washed with detergent in water at a minimum of 140° F (60° C), unless an approved disinfectant is applied in the rinse cycle or the dryer uses heat above 140° F (60° C) 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.
- 5-514** Animals shall not be allowed in the body art procedure areas, or the instrument cleaning, sterilization, or storage areas. Fish aquariums and/or service animals shall be allowed in waiting rooms and non-procedural areas.
- 5-515** All chemical containers shall be labeled according to contents, properly stored, and used according to label instructions.
- 5-516** All body art establishments shall be completely separated from areas used for human habitation, food preparation, or other such activities that may cause potential contamination of work surfaces.
- 5-517** In establishments where body art and other procedures such as hair and fingernail care are provided, body art procedure areas must be clearly separated from such other procedure areas and maintained clean and sanitized.

**5-518** In new or extensively remodeled body art establishments, a conveniently located utility sink or curbed cleaning facility with a floor drain, and hot and cold water shall be provided and used for the cleaning of mops or similar wet floor cleaning tools, and for the disposal of mop water or similar liquid wastes.

**5-519** Utensil washing and utility sinks with threaded faucets shall be equipped with back flow prevention devices approved by the Department/Agency.

**5-520** Sharps and Infectious/Regulated Waste must be handled in a manner consistent with Section 25-15-403 and 25-15-404, C.R.S.

- (a.) Discarded sharps shall be disposed of in sharps containers;
- (b.) Infectious/Regulated waste other than sharps shall be placed in impervious, tear resistant, plastic bags, which are red in color and marked with the Universal Biological Hazard Symbol;
- (c.) Sharps and Infectious/Regulated waste shall be disposed of by an approved, off-site treatment facility, or waste may be treated on-site if the treatment complies with all federal, state and local requirements; and
- (d.) On-site treatment requires a written plan outlining disposal as required in Section 7-701(b) 4.

**Section 6: Temporary, Special Event and Mobile Body Art Requirements:**

**6-601** Body art procedures are prohibited at any temporary event or at any location other than an approved body art establishment.

**Section 7: Infection and Exposure Control Written Procedures:**

**7-701** Written Procedures:

- (a.) 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 standards, and all local and state regulations;
- (b.) These written procedures shall include, but are not limited to:
  - 1. Instrument cleaning and sterilization;
  - 2. Cleaning and disinfection of the procedure area(s), as required in Section 9-902(g);
  - 3. Universal Precautions procedures; and

4. An Infectious Waste Management plan, consistent with CRS 25-15-403, including segregation, identification, packaging, storage, transport, treatment, disposal and contingency planning for blood spills or loss of containment of Infectious/Regulated Waste.

**Section 8: Instruments and Sterilization:**

**8-801 Instrument Cleaning:**

- (a.) All instruments that penetrate body tissue shall be properly cleaned prior to packaging and sterilization. All other instruments shall be cleaned and disinfected after each use;
- (b.) All instruments placed in the procedure area shall be repackaged and re-sterilized;
- (c.) Employees shall wear heavy-duty, multi-use, and waterproof gloves while cleaning instruments;
- (d.) Used instruments shall be soaked in a disinfectant until cleaning can be performed. The solution shall be changed in a time as recommended by the solution manufacturer;
- (e.) Instruments shall be disassembled for cleaning; and
- (f.) All instrument components shall be cleaned, either manually or in an ultrasonic cleaner, using the appropriate cleaning agent specific to the type of cleaning performed.

**8-802 Instrument Packaging and Wrapping:**

- (a.) Employees shall wear clean gloves while packaging/wrapping instruments;
- (b.) Instruments shall be wrapped or packaged with a sterilizer indicator on or in each package; and
- (c.) All packages shall be labeled with the time and date of sterilization. Packages will no longer be considered sterile six months after the date of sterilization.

**8-803 Instrument Sterilization:**

- (a.) The sterilizer shall be designed and labeled as a medical instrument sterilizer;

- (b.) The operators' manual for the sterilizer shall be available on the premise and the sterilizer shall be operated according to manufacturer's recommendations;
- (c.) The sterilizer shall be cleaned and maintained according to manufacturer's specifications; and
- (d.) A sterilizer load log shall be maintained for a minimum of three years at the facility and made available for inspection. The log shall contain the following documentation for each load:
  - 1. Description of instruments contained in the load;
  - 2. Date of sterilization load, and time or other unique identifier if more than one load is processed during a single day;
  - 3. Sterilizer cycle time and temperature;
  - 4. Indication of proper sterilization of instruments, as evidenced by the appropriate color indicator change on each package. Indicator used shall be compatible with the sterilization process being used; and
  - 5. Action taken when appropriate color indicator change did not occur.
- (e.) **Sterilizer Monitoring:**
  - 1. Sterilizer monitoring shall be performed at least monthly (unless more frequent monitoring is specified by the manufacturer) by using a commercial biological monitoring (spore) system;
  - 2. All biological indicators shall be analyzed by a laboratory independent from the establishment; and
  - 3. Biological indicator test results shall be maintained on the premises for a minimum of three (3) years and must be available for inspection at all times.

**8-804 Instrument Storage:**

- (a.) Hands shall be washed according to approved hand-washing procedures and dried with clean, disposable paper towels, or with a hand-drying device providing heated air, prior to handling sterilized instrument packs; and

- (b.) After sterilization, the instruments shall be stored in a dry, clean area reserved for storage of sterile instruments.

**8-805 Single Use Items:**

- (a.) Single use items shall not be used on more than one client and shall be disposed of after the procedure; and
- (b.) Contaminated single use needles, razors and other sharps shall be disposed of immediately in approved sharps containers.

**Section 9: Body Art Procedure:**

**9-901 Prohibitions Include:**

- (a.) Body art procedures performed anywhere for any reason, except within an approved body art establishment;
- (b.) Providing body art services at any temporary event or location;
- (c.) Procedures performed on any person who is noticeably impaired by drugs or alcohol;
- (d.) Smoking, eating and drinking in the procedure and/or instrument cleaning areas;
- (e.) Procedures performed on skin surfaces that have sunburn, rash, pimples, boils, infections, moles, or manifest any evidence of unhealthy conditions; and
- (f.) Body art procedures on a minor without the express consent from the minor's custodial parent or guardian.

**9-902 The Following Procedures Shall Be Practiced By All Body Artists:**

- (a.) Thoroughly wash hands with soap and warm water for at least 15 seconds before and after each body art procedure, and after using the toilet facilities. Following thorough washing, hands shall be dried using clean, disposable paper towels, or a hand-drying device providing heated air;
- (b.) Wear new, clean gloves for each procedure. If a glove is pierced, torn or contaminated, both gloves must be properly removed and discarded. Hands shall be washed prior to donning a new pair of gloves;
- (c.) Change drapes, lap cloths or aprons between each client. If multi-use, these items shall be washed according to Section 5-513 prior

to reuse;

- (d.) Wear new, clean gloves while assembling instruments and supplies to be used in the procedure. All sterilized instruments shall remain in the sterile packages until opened in front of the client;
- (e.) Dispense all substances used in the procedures from containers in a manner to prevent contamination of the unused portion. For example, substances from multi-use containers shall be dispensed into single use portions and shall be applied to only one client;
- (f.) Discard single use ointment tubes, applicators and supplies after the procedure; and
- (g.) After each client, use a disinfectant according to label instructions, and a single use paper towel to wipe all surfaces touched during the procedure. Surfaces include, but are not limited to, counters, tables, equipment, chairs, recliners, shelving, cabinets, and supplies.

**9-903 Procedures Specific To Tattooing:**

- (a.) The use of hectographic or single-use stencils shall be required for applying a tattoo outline to the skin, except that, when the design is drawn free hand, non-toxic single use markers or other non-toxic single use devices shall be used. Multi-use stencils are prohibited unless they can be properly disinfected between uses;
- (b.) Before placing the design on the skin, the body artist shall clean the area with soap and, if necessary, shave off any hair with a disposable, single use safety razor. The area shall be treated with an antiseptic prior to stencil application;
- (c.) Solid deodorant, if used prior to applying a stencil, shall be considered a single-use item, and shall be used on only one customer before being discarded or given to the customer for personal use;
- (d.) Inks, dyes, or pigments in single use containers shall be used for each client. Any remaining unused dye or pigment shall be discarded immediately following the tattoo procedure;
- (e.) Excess ink, dye, or pigment applied to the skin during tattooing shall be removed with a clean single use product. Only disposable cups may be used for cleaning ink from the needle;

- (f.) Needles used for tattooing are considered to be single use items which may only be used on one person, and shall then be properly discarded; and
- (g.) After the procedure is completed, the area shall be covered with clean gauze or an appropriate bandage and held in place with a suitable skin tape. Materials not approved nor intended for dressing wounds, including plastic wrap, shall not be used.

**9-904 Procedures Specific To Body Piercing:**

- (a.) The body area to be pierced shall be cleaned with soap and treated with a medical antiseptic prior to beginning the piercing procedure;
- (b.) All body piercing needles shall be sterile, single use, and manufactured for either medical or body piercing purposes. All needles shall be disposed of immediately after use in a sharps container;
- (c.) Only sterilized jewelry or new jewelry that has been disinfected and is clean and in good condition shall be used; and
- (d.) Stud-and-clasp systems shall be used according to manufacturer's instructions and shall only be used on the earlobe or the outer perimeter of the ear.

**Section 10: Inspections:**

**10-1001** Inspections of body art establishments shall be conducted by the Department/Agency annually. Establishments which are not in compliance with any applicable regulation are subject to one or more follow-up inspections to be conducted at intervals deemed necessary by the Department/Agency.

**10-1002** Agents of the Department/Agency, after proper identification, shall be permitted to enter any body art establishment during business hours for the purpose of making inspections, investigating complaints and to determine compliance with these regulations. Agents of the Department/Agency shall only enter a procedure area with the client's consent.

**10-1003** Agents of the Department/Agency, after proper identification, shall be permitted to examine documents or true copies of documents relative to requirements of these regulations.

**10-1004** When ever an inspection of a body art establishment is made the findings shall be recorded and shall describe violations that exist. A copy of the completed report shall be furnished to the person in charge by the end of the next workday following conclusion of the inspection.

**10-1005** All body art establishments shall display, in a prominent location readily visible to customers and visitors either the most recent Certificate of Substantial Compliance issued by the Department/Agency, or the latest inspection form which resulted in the Health Department not issuing a Certificate of Substantial Compliance.

**Section 11: Review of Plans:**

**11-1101** Detailed plans and specifications of a proposed new body art establishment and/or proposed extensive remodeling of a body art establishment shall be submitted to the Department/Agency for review and approval at least two weeks prior to the start of any construction or extensive remodeling. Approval by the Department/Agency of both the plans and specifications is necessary before construction begins. All revisions of approved plans and specifications shall require resubmission for approval.

**11-1102** Contents of the plans and specifications shall demonstrate that the facility will comply with these rules and regulations. A plan-view scale drawing of the establishment shall be provided. The plans shall include the location of all equipment, plumbing fixtures and connections, ventilation systems, and other pertinent information.

**11-1103** Whenever the submittal of plans and specifications is required, the Department/Agency shall conduct a pre-opening inspection of the new or extensively remodeled body art establishment prior to the opening of that establishment for operation. The purpose for that inspection shall be to determine compliance with the approved plans and specifications and with the requirements of these regulations. A request for the inspection shall be submitted at least fourteen (14) days in advance of the date of an intended opening.

**Section 12: Penalties:**

**12-1201** Upon a finding that a violation constitutes an imminent threat to the public health, or when an operator has a history of persistent failure to achieve substantial compliance with these rules and regulations, the Department/Agency may seek suspension of body art services or closure of the establishment through an injunction filed in a court of competent

jurisdiction.

**12-1202** Whenever a body art establishment operator or body artist is in violation of any of these regulations, the Department/Agency shall notify that person of the violation(s) and provide a reasonable period of time to achieve compliance. If after that period, the body art establishment operator or body artist has not corrected the violation(s), the Department/Agency may assess a civil penalty not to exceed two hundred fifty dollars (\$250) per violation, against the establishment operator and/or body artist. Each day of a violation may be considered a separate offense.

**Section 13: Fees:**

**13-1301** An application fee, as approved by the Board of Health, shall be charged per plan or plan revision. Plan review application fees shall be paid when a completed plan review application is submitted to the Department/Agency in accordance with Section 11-1101 of these regulations.

**13-1302** Hourly fees, as approved by the Board of Health, shall be charged for body art establishment plan reviews.

**13-1303** An annual inspection fee, as approved by the Board of Health, shall be charged for body art establishment inspections.

**13-1304** The actual costs incurred by the Department/Agency for enforcement of these regulations, including reasonable oversight and overhead costs, shall be charged to and payable by the operator of the noncompliant body art establishment.

RESOLUTION NO. 30, SERIES OF 2009

**A RESOLUTION ADOPTING FREMONT COUNTY  
BODY ART REGULATIONS**

WHEREAS, pursuant to §25-4-2101, C.R.S., the Fremont County Board of Health is authorized to adopt rules and regulations governing the safe and sanitary practice of body art, the safe and sanitary physical environment where body art is performed, and the safe and sanitary conditions of equipment utilized in body art procedures; and

WHEREAS, the Board of County Commissioners for Fremont County, acting under its authority as the Fremont County Board of Health has been presented with newly proposed Body Art Regulations as set forth in Exhibit A attached hereto; and

WHEREAS, the Fremont County Board of Health has conducted a public hearing on the proposed Body Art Regulations on June 30, 2009, after having given notice thereof by publication as required by law; and

WHEREAS, the Fremont County Board of Health has considered the proposed regulations and has found that adoption and enforcement of the regulations will serve the health, safety and welfare of the citizens of Fremont County and the health, safety and welfare of those persons who patronize the Body Art establishments located within Fremont County; and

WHEREAS, upon adoption of the Regulations, enforcement shall be on a county-wide basis, including all incorporated and unincorporated areas, as authorized by §25-1-506(2)(a)(I), C.R.S.

THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Fremont County in its statutory capacity as the Fremont County Board of Health, hereby declares that the Fremont County Body Art Regulations, attached hereto and incorporated herein by reference, are hereby adopted, effective July 1, 2009, and shall be enforceable throughout all incorporated and unincorporated areas of the County of Fremont, State of Colorado.

BE IT FURTHER RESOLVED, that the Board of Health shall, from time to time, review and adopt by separated resolution, a fee schedule applicable to Body Art applications, plan review, inspections, hourly rates and such other services as may be required pursuant to the Regulations.

Commissioner LASHA moved the adoption of the foregoing Resolution with a second by Commissioner Norden.

Commissioner Stiehl	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Lasha	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Commissioner Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: June 30, 2009

Michael Stiehl  
Chairman

Norma Hatfield  
Clerk



RESOLUTION NO. 31, SERIES OF 2009

A RESOLUTION ESTABLISHING FEES ASSOCIATED WITH FREMONT COUNTY  
BODY ART REGULATIONS

WHEREAS, on June 30, 2009, the Fremont County Board of Health adopted the Fremont County Body Art Regulations, and

WHEREAS, the Fremont County Body Art Regulations provides in Section 13 that fees associated with said Fremont County Body Art Regulations shall be established by Resolution of the Fremont County Board of Health; and

WHEREAS, the administration of the Fremont County Body Art Regulations are the responsibility of the Fremont County Public Health Department; and

WHEREAS, the Fremont County Body Art Regulations provide in Sections 13-1301, 13-1302, 13-1303 and 13-1304 for an application fee for plan review or plan revision, an hourly fee for plan reviews, an annual inspection fee, and fees incurred for enforcement of these regulations, including reasonable oversight and overhead costs are authorized to be established by the local Board of Health; and

WHEREAS, the Fremont County Board of Commissioners acts and serves in the role of the Fremont County Board of Health.

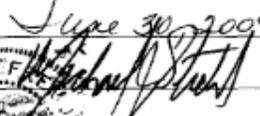
THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Fremont County on June 30, 2009, that the fees charged pursuant to the Fremont County Body Art Regulations be and hereby are established and fixed as attached hereto and become effective July 1, 2009.

Commissioner Norden moved the adoption of the foregoing Resolution with a second by Commissioner Lasha.

Commissioner Stiehl	<input checked="" type="radio"/> AYE	<input type="radio"/> NAY	<input type="radio"/> ABSTAIN	<input type="radio"/> ABSENT
Commissioner Lasha	<input checked="" type="radio"/> AYE	<input type="radio"/> NAY	<input type="radio"/> ABSTAIN	<input type="radio"/> ABSENT
Commissioner Norden	<input checked="" type="radio"/> AYE	<input type="radio"/> NAY	<input type="radio"/> ABSTAIN	<input type="radio"/> ABSENT

The Resolution was declared to be duly adopted.

Date: June 30, 2009

  
 Chairman  
 Attest:   
 Clerk



**Fremont County  
Body Art Regulations Fee Schedule**

<b>Service</b>	<b>Fee</b>
Plan review or plan revision application fee	\$75.00
Hourly fee for plan review or plan revision	\$30.00/hour
Annual inspection fee	\$150.00
Actual costs incurred by the Department/Agency for enforcement of these regulations, including reasonable oversight and overhead costs	\$30.00/hour
<b><u>Other Fees</u></b>	
1. Civil penalty for noncompliance .....up to \$250.00 per violation*	

\* Each day of a violation may be considered a separate offense.

# FREMONT COUNTY ENVIRONMENTAL HEALTH SERVICES



615 MACON AVENUE, ROOM 212  
 CAÑON CITY, COLORADO 81212  
 (719) 276-7460 FAX NUMBER (719) 276-7461

## BODY ART INSPECTION FORM

PAGE 1 OF

Owner Name		Inspection date	
Facility Name		Phone #	Fax#
Facility Address		Email Address	
Type of Inspection: <input type="checkbox"/> Routine <input type="checkbox"/> Re-inspection <input type="checkbox"/> Pre-opening <input type="checkbox"/> Complaint		Type of Facility (Check all that apply): <input type="checkbox"/> Tattoo <input type="checkbox"/> Body Piercing <input type="checkbox"/> Cosmetic Tattooing <input type="checkbox"/> Branding <input type="checkbox"/> Scarification <input type="checkbox"/> Sculpting <input type="checkbox"/> Other	
Certificate of Compliance Posted <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> New Facility		Follow up Inspection required <input type="checkbox"/> Yes <input type="checkbox"/> No	Certificate of Compliance Approved <input type="checkbox"/> Yes <input type="checkbox"/> No
Establishment Closed Until Abatement of Violations <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA		Follow up Inspection will be conducted on or after	

### VIOLATIONS

	<b>2-201(a)</b>	<b>DEMONSTRATION OF KNOWLEDGE, ALL BODY ARTISTS, UNIVERSAL PRECAUTIONS, ETC.*</b>
	2-201(b)	HEPATITIS B VACCINE FOR EACH ARTIST OR MEDICAL EXEMPTION
	3-301	CERTIFICATE OF SUBSTANTIAL COMPLIANCE
	<b>3-302</b>	<b>PERSON(S) IN CHARGE AT ALL TIMES</b>
	3-303	EMPLOYEE/ARTIST INFORMATION ON FILE & AVAILABLE
	3-304(a)	PERSON IN CHARGE ACCESS TO AGREEMENT FOR SHARPS/INFECTIOUS WASTE DISPOSAL
	3-304(b)	PERSON IN CHARGE ACCESS TO SPORE TEST LOG AND TEST RESULTS
	3-304(c)	PERSON IN CHARGE ACCESS TO CLIENT RECORDS (MAINTAINED FOR 3 YEARS)
	3-304(d)	PERSON IN CHARGE ACCESS TO MANUFACTURER'S INFORMATION ON STERILIZATION EQUIPMENT
	3-304(e)	PERSON IN CHARGE ACCESS TO INFECTION & EXPOSURE CONTROL WRITTEN PROCEDURES
	4-402	CLIENT DISCLOSURE OF MEDICAL CONDITIONS
	4-403	CLIENT CONSENT FORMS COMPLETED FOR ALL PROCEDURES AND AVAILABLE
	4-404	PARENTAL OR LEGAL GUARDIAN CONSENT FORM FOR MINORS (UNDER 18) WITH PHOTO ID
	5-501	FLOORS, WALLS & CEILINGS IN PROCEDURE & INSTRUMENT CLEANING AREAS
	5-502	TOILET FACILITIES AVAILABLE, FLOORS & WALLS, GOOD REPAIR
	5-503	PREMISES CLEAN, GOOD REPAIR
	5-504	ADEQUATE LIGHTING IN PROCEDURE & INSTRUMENT CLEANING AREAS
	5-505	WORK SURFACES IN PROCEDURE, INSTRUMENT CLEANING, & TOILET ROOMS SMOOTH & CLEANABLE
	<b>5-506</b>	<b>HANDSINKS HOT/COLD WATER, ACCESSIBLE, SOAP &amp; DRYING DEVICES*</b>
	5-507	SEPARATE AREA(S) FOR CLEANING, HANDLING & STORING STERILIZED EQUIPMENT
	5-508	SINKS USED FOR DESIGNATED PURPOSES ONLY, SEPARATE HANDSINKS, INSTRUMENT WASH SINKS
	<b>5-509</b>	<b>WATER, APPROVED SOURCE*</b>
	<b>5-510</b>	<b>SEWAGE DISPOSAL*</b>
	<b>5-511</b>	<b>REFUSE DISPOSAL, LINED WASTE RECEPTACLES*</b>
	5-512	WAITING AREA SEPARATE FROM PROCEDURE AREAS & INSTRUMENT AREAS
	5-513	REUSABLE CLOTH ITEMS WASHED/DISINFECTED/STORED
	5-514	ANIMALS PROHIBITED IN PROCEDURE AREAS & INSTRUMENT AREAS
	5-515	CHEMICALS LABELED, STORED, USED
	5-516	ESTABLISHMENT COMPLETELY SEPARATED FROM LIVING AREAS, FOOD PREPARATION, ETC.
	5-517	PROCEDURE AREAS CLEARLY SEPARATED FROM HAIR & FINGERNAIL CARE
	5-518	UTILITY SINK
	5-519	BACKFLOW PREVENTION DEVICES INSTALLED
	<b>5-520</b>	<b>SHARPS DISPOSAL/INFECTIOUS WASTE DISPOSAL, SHARPS CONTAINERS, RED BIO-HAZARD BAGS*</b>
	6-601	PERMANENT FACILITY
	<b>7-701</b>	<b>INFECTION &amp; EXPOSURE CONTROL WRITTEN PROCEDURES*</b>
	8-801(a)	PENETRATING INSTRUMENTS PROPERLY CLEANED BEFORE STERILIZATION
	<b>8-801(b)</b>	<b>ALL INSTRUMENTS PLACED IN PROCEDURE AREA REPACKAGED &amp; RE-STERILIZED*</b>
	8-801(c)	EMPLOYEES WEAR HEAVY-DUTY WATERPROOF GLOVES FOR INSTRUMENT CLEANING
	8-801(d)	USED INSTRUMENTS SOAKED IN DISINFECTANT UNTIL CLEANED
	8-801(e)	INSTRUMENTS DISASSEMBLED FOR CLEANING
	8-801(f)	INSTRUMENT COMPONENTS PROPERLY CLEANED MANUALLY OR ULTRASONIC, PRE STERILIZATION
	8-802(a)	EMPLOYEE GLOVE USE TO PACKAGE/WRAP INSTRUMENTS FOR STERILIZATION
	<b>8-802(b)</b>	<b>STERILIZER INDICATOR ON EACH PACKAGE OF INSTRUMENTS*</b>

