

LEDGE LIGHT HEALTH DISTRICT BODY ART REGULATION

BACKGROUND

The State of Connecticut has passed legislation concerning licensing and inspection oversight of Tattoo Shops and Body Piercing Shops as described in Section 1(1) of this Regulation. The purpose of this Ledge Light Health District Regulation is to set standards, protect and promote the public health, safety, and environment through preventive measures and timely correction of public health issues of said establishments. All Tattoo Shops and Body Piercing Shops are subject to the provisions of the “Ledge Light Health District Body Art Regulation.”

AUTHORITY

This Regulation is authorized and promulgated pursuant to Connecticut General Statutes Section 19a-92g and Section 20-266n through Section 20-266s.

SECTION 1. DEFINITIONS

A. Body Art Establishment: For the purpose of this Regulation, all Body Piercing Shops and Tattoo Shops as described in Section 1(1) of this Regulation are considered “Body Art Establishments.”

B. Body Art: Body piercing, tattooing, scarification, or cosmetic tattooing.

C. Body Piercing: Penetrating the skin or mucosa, excluding the ear lobes, to place jewelry through the skin or mucosa.

D. Client: A person receiving a tattoo or body piercing.

E. Dermal Punching: Method of creating piercings in the body, which removes a segment of tissue, which makes a half moon shaped slice in the tissue.

F. Director of Health: Director of Health of Ledge Light Health District or his/her duly authorized representative.

G. Disinfectant: An EPA-registered antimicrobial agent, such as a chemical, or heat that destroys disease causing microorganisms on inanimate objects, except for bacterial spores.

H. Operator: Any person who is performing tasks allowed under the scope of this Regulation, the Connecticut Public Health Code and the Connecticut General Statutes.

I. Permanent Cosmetics: Tattoo, whether permanent, semipermanent, or temporary, by someone other than a licensed physician, which includes but not limited to eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage. It is also commonly known as but not limited to “permanent makeup”, “microblading,” “micropigment implantation,” “cosmetic tattooing,” “microdermapigmentation,” or any other similar procedures and for the purpose of this Regulation has the same meaning as “tattoo.”

J. Scarification: A form of extreme body modification in which a mark or marks are cut into the human skin to produce scars for decorative purposes.

K. Sterilization: A validated process used to render a product free from viable microorganism by physical or chemical means.

L. Tattooing: Indelible marking or coloring the skin or mucosa of any person by puncturing ink or other pigment or by producing scars. This includes all forms of permanent cosmetics.

M. Sharps Container: Closeable, puncture-resistant, leakproof container made specifically to be a sharps container and can be closed for handling, storage, transportation, and disposal.

N. Single-use: A product or item that is disposed of after one use.

O. Student Tattoo Technician: A person studying tattooing who is registered with the department pursuant to section 20-266o.

P. Tattoo Technician: Licensed person under the provisions of section 20-266o.

Q. Work Area: Room, or portion of room, or any surface of an inanimate object that is designated to be used only to perform body art.

S. Work Station: Includes but not limited to the customer chair or table, counter, mayo stand, instrument stand, operator's chair, and floor space within a procedure area where body art is performed.

SECTION 2. PLAN REVIEW AND PRE-OPERATIONAL INSPECTION

A. No Body Art Establishment shall be relocated, constructed, remodeled or extensively altered, nor shall any structure be converted to a Body Art Establishment, except in accordance with plans and specifications approved by the Director of Health.

B. Properly prepared plans drawn to a scale of not less than ¼":1' and specifications for such construction, remodeling or alteration shall be submitted to the Director of Health for review and approval before relocation, construction, remodeling or alteration is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The Director of Health shall approve the plans and specifications if they meet the requirements of this Regulation, the Connecticut Public Health Code and the Connecticut General Statutes. Prior to the Body Art Establishment's opening, the Director of Health shall conduct a pre-operational inspection to determine compliance with the approved plans and specifications and with the requirements of this Regulation, the Connecticut Public Health Code and the Connecticut General Statutes.

SECTION 3. LICENSE

A. No Body Art Establishment shall operate without having a valid license by the Director of Health. Only establishments that comply with the requirements of the Connecticut Public Health

Code, the Connecticut General Statutes and this Regulation shall be entitled to receive or retain such a license.

B. Application for a license shall be made on forms furnished by the Director of Health, wherein the applicant shall provide pertinent information as required by the Director of Health.

C. Licenses shall be valid until the expiration date indicated on the license unless suspended by the Director of Health, or until such time as the facility changes owners or closes.

D. Every applicant for a license to operate a Body Art Establishment shall pay an annual license fee of one hundred dollars (\$100.00). The annual license fee established by the Ledge Light Health District Board of Directors shall not exceed the maximum fee set forth in the State Statutes.

E. New or existing Body Art Establishments that are located in the same building as another LLHD licensed cosmetology facility are not required to pay an additional license fee. A completed application must still be submitted and approved.

F. Every applicant for a license to open a new or extensively renovated Body Art Establishment shall pay a one-time plan review fee of three hundred dollars (\$300.00). Plan review fee applies to new establishments, existing establishments will not have to pay fee unless extensive renovations are done.

G. No license shall be issued or renewed until a completed application has been submitted, the license fee has been paid and the applicant's Body Art Establishment meets the requirements set forth in this Regulation.

H. Licenses shall not be transferable from person to person or from location to location.

I. The Director of Health, after proper identification, shall be permitted to enter any portion of a Body Art Establishment for the purpose of making inspections to determine compliance with this Regulation, the Connecticut Public Health Code and the Connecticut General Statutes. Minimum of twenty-four (24) hours notice will be given to the operator prior to inspection.

SECTION 4: LICENSE SUSPENSION

A. Failure to comply with the provisions of this Regulation, the Connecticut Public Health Code or the Connecticut General Statutes shall be grounds for suspension of any license issued under the provisions of this Regulation.

B. In the event that unsanitary conditions are observed during an inspection or if a violation or set of violations appears on more than one (1) consecutive inspection report, the Director of Health may immediately order corrective action and establish a time frame within which action shall be taken. If the correction is not made in the allotted time, the time license may be suspended.

C. Pursuant to Section 19a-206 of the Connecticut General Statutes, the owner or occupant of such property, or both, shall be subject to a civil penalty of \$250.00 per day for each day such

nuisance is maintained or such filth is allowed to remain after the time fixed by the Director of Health has expired.

D. The Director of Health may suspend, without warning, prior notice or hearing, any license to operate a Body Art Establishment if:

- the operation constitutes an imminent hazard to the public health; or
- the Body Art Establishment is operating without a valid license from Ledge Light Health District; or
- the owner, operator or person in charge has interfered with the performance of the Director of Health's duties.

E. An imminent hazard to the public health, as indicated on the inspection form, shall include but is not limited to, any one of the following:

- an ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers;
- the absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Director of Health, is capable of meeting the needs of the facility;
- a sewage back up into the facility;
- an unlicensed individual performing procedures requiring licensure by the State of Connecticut; or
- the absence of or improper use of an approved disinfectant or sterilizer in Section 10 of this Regulation.

F. Suspension shall be effective immediately upon delivery of a written Public Health Order to the license holder or person in charge of the facility. When a license is suspended, the licensure certificate must be forfeited and all operations shall cease immediately and shall not resume until written approval to resume has been issued by the Director of Health.

G. A Public Health Order provided for this Regulation is properly served when it is delivered to the license holder or person in charge or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the license.

H. When a license is suspended, the holder of a license shall be afforded an opportunity for a hearing if a written request for a hearing is filed with the Director of Health by the holder of the license within forty-eight (48) hours of receipt of the Public Health Order. The Director of Health may end the suspension at any time by giving notice to the license holder if reasons for suspension no longer exist.

I. Upon receiving a request for hearing, the Director of Health shall examine the merits of such suspension and may vacate, modify or affirm such suspension. The Director of Health shall conduct the hearings provided for this chapter at a time and place to be designated. The Director of Health shall make a final finding based upon the complete hearing record, and shall sustain, modify or rescind any notice or order considered in the hearing. The Director of Health shall furnish a written report of the hearing decision to the license holder with ten (10) calendar days of the hearing date.

J. Connecticut General Statutes Section 19a-229 states, “Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person’s receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm such order.”

SECTION 5. SPECIFIC STANDARDS AND REQUIREMENTS

A. Water Supply

- i. An adequate supply of hot and cold running water from a municipal or approved private source shall be provided.
- ii. Hot water for public use must not exceed 115 degrees Fahrenheit.

B. Waste Disposal

- i. Wastewater from all plumbing fixtures shall discharge into municipal sewers or approved subsurface sewage disposal systems.
- ii. Oils, greases, industrial/commercial wastes, toxic chemicals and wastewater that is not sewage, as defined in Public Health Code Section 19-13-B103b (a), shall not be discharged to a subsurface sewage disposal system.
- iii. Easily cleanable covered waste containers with non-absorbent, durable plastic liners shall be used for disposal of all tissues, towels, gauze pads and other similar items used on a customer. Waste containers shall be operated by a foot pedal.
- iv. All waste materials from Body Art Establishment work stations shall be removed from the premises to outside garbage disposal at the end of each workday.
- v. Outside garbage storage areas shall be maintained in a sanitary condition.
- vi. Sharps shall be discarded at the point of origin into an approved sharps container. The sharps container must be properly labeled.

C. Plumbing Fixtures

- i. All plumbing installation and fixtures shall conform to applicable public health, building and plumbing codes, including the installation and maintenance of approved backflow prevention devices.
- ii. At least one handwash station shall be conveniently located to work areas, in addition to what is provided in the toilet room. This handwash sink must be used for handwashing only and be equipped with hot and cold running water, antibacterial hand soap and single-use paper towels or air dryer.
- iii. A utility sink shall be provided.

D. Process Ventilation

- i. Body Art Establishments shall be properly and adequately ventilated so as to remove chemical vapor emissions, excess heat, and odors. Shop ventilation shall comply with state and local building codes and ordinances.

- ii. Body Art Establishments using chemical agents that create indoor vapor emissions shall not pollute nor negatively affect the indoor air quality of adjacent premises. Vapor emissions shall be controlled by ventilation systems that remove the contaminating agent at its source. Emission shall be discharged to the outdoors and shall not be re-circulated into any structure. The source, for the purpose of this section, shall mean vapor emissions originating at Body Art Establishment work stations.

E. Toilet Facilities

- i. Adequate toilet facilities and handwashing sinks must be provided for customers and employees. Such facilities and washbasins shall be kept clean and in working order.

- ii. The use of common bar soap is prohibited.

- iii. A covered refuse receptacle shall be provided.

- iv. Common towel for handwashing is prohibited.

F. Work Stations

- i. Lighting in body art application areas shall maintain a minimum illumination of 50 foot-candles.

- ii. Tables, chairs, cushions or any similar items used to provide tattoo services shall be constructed with smooth, durable, and easily cleanable material.

- iii. A door, partition or curtain in procedure rooms to provide privacy.

- iv. There shall be a minimum of forty-five (45) square feet of floor space provided for each tattoo operator in the establishment.

- v. Body Art Establishments located in a residence must be confined to a separate room, separated with ceiling-high partitions and provided with a door to be closed at all times. The area within a home operated as a Body Art Establishment must conform to this Regulation.

SECTION 6. MAINTANENCE AND OPERATION

A. General Cleanliness

- i. Body Art Establishments shall be kept in a clean, sanitary and vermin free condition at all times.

- ii. The surfaces of furniture, equipment and fixtures that come into contact with the body of a client shall be cleaned and disinfected prior to the use by the next client.

B. Floors, Walls, Ceilings and Fixtures

- i. Floors shall be of such construction as to be easily cleaned and shall be kept clean and in good repair.
- ii. Ceilings shall be kept in good repair and cracks in walls shall be filled in so as to prevent the harboring and breeding of insects.
- iii. Cabinets, shelves, furniture and fixtures shall be durable, non-absorbent, easily cleanable, kept clean and free of dust and dirt.

C. Food and Beverages

Food and beverages shall not be prepared, stored or provided to patrons in any Body Art Establishment, except with a valid food service license from the Director of Health. Customer self-service coffee or tea with dry non-dairy creamers or individually prepackaged Ultra High Temperature (UHT) creamers may be offered for free or for sale without a food service license.

D. Animals, Pets or Live Birds

No animals, pets or live birds shall be kept in any working area of any Body Art Establishment. This prohibition does not apply to trained guide dogs (or dogs in training) for the disabled, sightless or hearing impaired.

SECTION 7. RECORD KEEPING REQUIRMENTS

A. Client

- i. An operator shall not tattoo or body pierce a client without first obtaining the signed, informed consent of the client on a form approved by the Director of Health.
- ii. All client records shall be retained for a minimum of 2 years and available upon the request of the Director of Health.
- iii. The Body Art Establishment shall keep a permanent record of all clients receiving Body Art stating: the client's name, address, date of procedure, operator's name, description of the Body Art applied, a photocopy of the legal document that certifies the client is at least (18) eighteen years of age, and a photocopy of the written aftercare instructions of the body art and a release form signed by the client that these records are accurate. Body Art procedures performed upon a person under the age of eighteen (18) years require the written consent and proper identification of a parent or legal guardian. Permanent records for an emancipated minor shall contain a photographic identification and photocopy of legal documentation by a court of competent jurisdiction.
- iv. The client shall sign an informed consent waiver. A photocopy of this waiver must remain in the client's permanent record. The informed consent waiver shall include: nature of the procedure, reasonably foreseeable risks of the procedure, description of the equipment utilized in the procedure and sterilization techniques, and explanation of the tattoo removal procedure. The client shall have the opportunity to ask questions and understand the contents of the informed consent to his/her satisfaction.

B. Decontamination and Sterilization

- i. All Decontamination and Sterilization records shall be available upon the request of the Director of Health.
- ii. The Body Art Establishment shall keep written records of maintenance and sanitation of operating equipment, including repairs of Autoclaves and Ultrasonic Cleaners.
- iii. The Body Art Establishment shall keep written procedures for sharps collection.
- iv. The Body Art Establishment shall keep written records of biological monitoring of sterilization devices conducted, including monthly spore testing reports prepared by an approved independent testing agency.

C. Inks, Pigments and Jewelry

Information indicating the sources of all inks, pigments and jewelry shall be available upon the request of the Director of Health.

SECTION 8. NEEDLESTICKS

Body Art Establishments shall have a written protocol for needlestick accidents. This protocol shall include, but is not limited to, treatment of the area and reporting the needlestick.

SECTION 9. PUBLIC NOTIFICATION REQUIREMENT

- A. A current Body Art Establishment license shall be posted in a prominent and conspicuous area where it can be readily observed.
- B. All tattoo technician licenses shall be posted in a prominent and conspicuous area where they can be readily observed.
- C. After completing a procedure, written aftercare information shall be available for each customer.

SECTION 10. DISINFECTION AND STERILIZATION PROCEDURES

A. Disinfection

- i. All tattooing areas, body art work stations, rooms, and articles used on a client, other than those items requiring full sterilization, must be disinfected with an EPA approved hospital/surgical grade disinfectant following the manufacture's label.

B. Sterilization

- i. After thoroughly cleaning with soap and hot water or with ultrasonic cleaner, all instruments used in the tattoo procedure shall be packaged individually in paper peel-packs, heat-sealed plastic, or other autoclave packaging approved by the Director of Health, then sterilized by a steam, chemical, or dry heat sterilizer registered and listed with the United States Food and Drug Administration (FDA).

- ii. All packs must be marked with the date of sterilization. A colorimetric sterilizer indicator or internal temperature indicator must be used. Equipment packed, sealed, and sterilized in house will be considered sterile for a maximum of six (6) months.
- iii. All equipment must remain stored in sterile packages until just prior to performing a procedure. When equipment is assembled, the operator shall wear gloves and use great care to prevent cross contamination.
- iv. Each operator shall demonstrate that the sterilizer(s) used are capable of attaining proper heat and pressure and are operating correctly through testing. This includes: thermal and/or chemical indicator strips consistent with the type of sterilization process used on all packaged instruments during each sterilization; and a monthly spore destruction test or more if recommended by the manufacturer.

SECTION 11. PREPARATION OF THE PROCEDURE SITE

- A. Before beginning a procedure, the operator shall clean the skin area for the tattooing or piercing and then prepare it with an antiseptic. The solution shall be applied with cotton, gauze or single-use towel then air dried.
- B. Materials used in preparation for the application of a tattoo or body piercing shall be kept clean and in good condition. Materials include but not limited to mimeograph paper, markers, alcohol, lubricants, razors, etc.
- C. Prior to all oral piercing, the client shall rinse with an antibacterial mouthwash for at least sixty (60) seconds.
- D. Styptic pencils and alum blockers are prohibited.
- E. Only healthy, intact body parts may be tattooed or pierced.

SECTION 12. SINGLE-USE REQUIREMENTS

- A. Single-use items shall not be used on more than one customer for any reason.
- B. All single-use razors, needles and other sharps shall be disposed of immediately in an approved sharps container.
- C. All products applied to skin, including but not limited to pens, markers, stencils, shall be single use and disposable.
- D. Sterile single-use or sterile individual containers of pigment or ink shall be used for each client.

SECTION 13. HYGIENE OF OPERATORS

- A. **Cleanliness of Operators**
 - i. The hands of the operator shall be thoroughly washed with soap and warm water before serving each customer, changing gloves and immediately after using the toilet or after eating.

ii. When coming into contact with a customer, the operator shall wear gloves at all times. Gloves shall be changed when torn, punctured or otherwise compromised, or when necessary to prevent cross contamination. Gloves shall be discarded immediately after use followed by hand washing by the operator.

B. Health of Operators

No person known to be affected with any communicable disease in an infectious stage or any open wound that cannot be covered shall engage in tattooing, body piercing or body art. Operators shall not eat or drink while providing services to a customer.

C. Proper Attire

While attending any customer in a Body Art Establishment, operators shall wear clean, washable garments.

SECTION 14. SMOKING PROHIBITED

Smoking or vaping is prohibited in all Body Art Establishments.

SECTION 15. INSPECTION FORM

Attachment A provides a sample Inspection Form. This is provided solely for information and is not intended to revise, delete, suspend or add to the above specifications and Regulation requirements.

SECTION 16. UNCONSTITUTIONALITY PROVISION

Should any section, paragraph, sentence, clause or phrase of this Regulation be declared unconstitutional or invalid for any reason, the remainder of said Regulation shall not be affected thereby.