

**FORSYTH COUNTY BOARD OF HEALTH
RULES AND REGULATIONS
FOR
BODY ART**

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.01 Authority.

The legal authority for this Rule is Chapter 31-40 of the Official Code of Georgia Annotated. (O.C.G.A. Chapters 31-40-1, 31-40-2, 31-40-3, 31-40-4, 31-40-5, 31-40-6, 31-40-7, 31-40-8, 31-40-9, 31-40-10 and 31-5.)

.02 Purpose.

The purpose of these rules and regulations is to establish reasonable standards for individuals performing body art procedures and for the facilities from which the procedures are provided. If followed, such standards should ensure the health and safety of all individuals performing and receiving these services. They also provide for the permitting and regular inspection of establishments wherein Body Art activities are to be performed and contain enforcement provisions including but not limited to revocation of the permit of any person or permit of any establishment deemed in violation of these rules and regulations or any promulgated hereunder.

.03 Exemptions.

- (1) These regulations do not apply to a physician or osteopath licensed under O.C.G.A Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath. Exemptions may include cosmetic reconstructive surgery or procedures performed under the direct supervision of a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath.

- (2) Individuals who pierce only the outer perimeter and lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations. Individuals who use ear-piercing systems must conform to the manufacturer's directions on use and applicable U.S. Food and Drug Administration requirements. The Health Authority retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

.04 Definitions.

1. **“Antibacterial ointment”** means topical antibiotics that destroy or suppress the growth or reproduction of bacteria available in a semisolid preparation (water-in-oil) that are generally occlusive (preventing the escape of moisture) and somewhat difficult to remove from the skin once applied; approved for application to human skin and includes all products labeled accordingly as approved by the Food and Drug Administration.
2. **“Antimicrobial solution”** means any solution capable of killing or used to retard the growth of microorganisms approved for application to human skin and includes all products labeled accordingly as approved by the Food and Drug Administration (FDA); when referring to antimicrobial mouthwash, only those approved for use will be allowed in the facility such as chlorhexidine, hydrogen peroxide, alcohol and others commonly found in hospital or dental settings.
3. **“Antiseptic”** means an agent or substance that will destroy or inhibit the growth and development of infectious microorganisms on human skin or mucous membranes.
4. **“Applicant”** means any person who applies for a body artist permit, guest body artist permit, body art establishment permit, or temporary body art establishment permit.
5. **“Approval”** means written approval from the Health Authority indicating that the body art establishment has been inspected and meets all terms of the applicable rules.
6. **“Approved”** means being accepted by the Health Authority as appropriate under applicable laws and regulations.
7. **“Aseptic technique”** means to render or maintain free from infectious material so as to prevent transfer or transmission of infectious agents.
8. **“ANSI”** means the American National Standards Institute.
9. **“ASTM”** means the American Society for Testing Materials International.
10. **“Autoclave”** means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time per manufacturer's specifications. For the purpose of this rule, autoclaves will be Class B medical grade only.
11. **“Biomedical waste”** shall mean and include the following:
 - (a) Pathological waste, which means all recognizable human tissues which are removed during procedures.
 - (b) Biological waste, which means blood and blood products, exudates secretions, suctionings, and other body fluids which contains free liquids and cannot be or are not directly discarded into a municipal sewer system. Materials, such as wipes or paper towels, containing small amounts of blood or body fluids that would not drip if the material is compressed would not be regulated as biomedical waste.
 - (c) Sharps, which means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to items such as needles, IV tubing and syringes with needles attached, and scalpel blades.
 - (d) Discarded equipment and parts, excluding expendable supplies and materials included in paragraphs (a) through (c) of this Rule, which have not been decontaminated, and that were in contact with infectious agents

12. **“Blood”** means human blood, human blood components, and products made from human blood.
13. **“Blood borne pathogens”** means pathogenic microorganisms present in human blood that can cause disease in humans. These pathogens include but are not limited to Hepatitis B virus (HBV), Hepatitis C virus (HCV), and Human Immunodeficiency virus (HIV).
14. **“Board of Health”** means the Forsyth County Board of Health.
15. **“Body art”** means the practice of physical body adornment by means of tattooing or body piercing. This definition does not include practices considered medical procedures by the Georgia Medical Composite Board such as implants under the skin which are prohibited unless such medical procedures are performed by a person licensed by the Georgia Medical Composite Board.
16. **“Body art establishment”** or **“body art studio”** means any permanent building or structure on a permanent foundation, holding a valid city or county business license, if applicable, and permit from the Forsyth County Board of Health where the practices of body art are performed whether or not for profit.
17. **“Body art establishment permit”** or **“permit”** means the issuance of a written permit by the Health Authority to a body art establishment stating that such establishment, after inspection, was found to be in compliance with these regulations.
18. **“Body artist”** means a person at least eighteen (18) years of age who performs tattooing or body piercing and who is responsible for complying with applicable provisions of these regulations.
19. **“Body Artist Permit”** shall mean a permit issued by the Health Authority to a specifically identified person who is qualified to engage in the practice of body art in accordance with these regulations and in conjunction with a permitted establishment.
20. **“Body piercing”** means puncturing or penetrating the skin or mucosa of a client utilizing a single- use, sterile needle or other sterile instrument for the purpose of inserting jewelry or other adornment into the body for non-medical purposes; body piercing includes ear piercing, except when the ear piercing procedure is performed with a pre-sterilized single-use stud-and-clasp ear-piercing system conforming to the manufacturer’s directions on use and applicable U.S. Food and Drug Administration requirements.
21. **“Body piercing establishment”** means any permanent building or structure on a permanent foundation holding a valid city or county business license, if applicable, and permit issued by the Forsyth County Board of Health where body piercing is performed, including any area under the control of the operator.
22. **“Business”** means any entity that provides body art services or procedures for compensation.
23. **“Cleaning/clean room”** shall mean the area in a body art establishment used in the sterilization, sanitation or other cleaning of instruments or other equipment used for the practice of body art and shall be separated from any other area in the facility by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of eight (8) feet.
24. **“Client”** or **“customer”** shall mean an individual upon whom one or more body art activities are to be performed.
25. **“Contaminated”** means the presence or the reasonably anticipated presence of blood, other potentially infectious materials, or potentially harmful chemicals on an item or surface.
26. **“Contaminated waste”** shall mean any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a

liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials, as defined in O.C.G.A.

27. **“Convention”** means a large meeting of people who come to a place for usually several days to talk about their shared work or other interests or to make decisions as a group, i.e. industry trade show
28. **“County”** means the Forsyth County Board of Health or its duly authorized representatives.
29. **“Critical violation(s)”** means those aspects of operation or conditions which, if in violation, constitute the greatest hazards to health and safety, including imminent health hazards. Critical violations shall include the following:
 - (a) autoclave does not meet minimum time, pressure or temperature requirements or written emergency procedures are not established or approved by the Health Authority;
 - (b) lack of a monthly negative spore or microbiological monitoring test for quality control;
 - (c) non-disposable tubes and needles are not sterilized or packaging has been compromised or contaminated or expiration date has been exceeded
 - (d) work area is not equipped as required or is not stocked;
 - (e) reuse of single-use articles;
 - (f) sterile instruments are not properly handled;
 - (g) employees with exposed infectious lesions on hands and arms not restricted from body art procedures;
 - (h) employees not practicing proper cleanliness and good hygienic practices;
 - (i) water supply not approved or hot and cold running water under pressure not available (or written emergency procedure for water not established/approved);
 - (j) cross connection allowing back-siphonage present in plumbing system;
 - (k) hand washing facilities not available or accessible for employees;
 - (l) toxic items not properly stored, labeled, or used.
 - (m) prohibited procedures performed within the establishment.
 - (n) non-permitted artist performing procedures
30. **“Decontamination”** means the use of physical or chemical means to remove, inactivate, or destroy blood borne 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.
31. **“Department”** means the agency, or its authorized representatives, having jurisdiction to promulgate, monitor, administer, and enforce these regulations.
32. **“Disinfectant”** means a solution registered as a disinfectant by the U.S. Environmental Protection Agency (EPA) and intended to destroy or inactivate specific viruses, bacteria, or fungi on clean,

inanimate surfaces. Labeling should specifically state that the product is bactericidal, virucidal, fungicidal, and tuberculocidal.

33. **“Disinfection”** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.
34. **“ Easily cleanable”** means that surfaces are readily accessible and made of such materials and finish and so fabricated to be smooth, non-absorbent and so that residue may be effectively removed by normal cleaning methods.
35. **“Ear Piercing”** means the puncturing of the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system following manufacturer’s instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the lobe of the ear unless otherwise specified by the manufacturer.
36. **“EPA”** means the United States Environmental Protection Agency.
37. **“Equipment”** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.
38. **“FDA”** means the United States Food and Drug Administration.
39. **“Germicidal solution”** means any solution which destroys microorganisms and is so labeled.
40. **“Gloves”** means medical grade disposable single use gloves labeled for surgical or examination purposes. Vinyl gloves are not allowed in body art facilities.
41. **“Guest body artist”** shall mean a visiting body artist possessing a guest body artist permit issued by the Health Authority to perform body art.
42. **“Guest body artist permit”** means the issuance of a 7-day permit by the Health Authority. Such permit will allow a person to practice body art in accordance with the Body Art Regulations under the direct supervision of a body artist holding a valid body art permit issued by the Health Authority.
43. **“Hand sanitizer”** means an alcohol-based hand rub that contains at least 60% alcohol used in conjunction with soap and water for the routine decontamination of hands.
44. **“Health Authority”** means the Forsyth County Board of Health. ~~acting as its agent~~
45. **“Hot water”** means water that attains and maintains a minimum temperature of 110°F.
46. **“Imminent health hazard”** means any condition, deficiency, or practice, as discovered by the Health Authority which, if not corrected, is very likely to result in disease transmission, injury, or loss of life to any person. If an imminent health hazard exists because of an emergency such as a fire, flood, interruption of electrical or water service for two (2) or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of an apparent blood borne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health, then operations are immediately discontinued and the Health Authority is notified.
47. **“Instruments”** means hand pieces, needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedure.
48. **“ISO”** means the International Standards Organization.
49. **“Jewelry”** means any ornament used in any body art procedure which is inserted into a newly pierced area and meets the following minimum Association of Professional Piercers standards (adopted February 5, 2009 or subsequent adoptions):

- (a) Steel that is ASTM F-138 compliant or ISO 5832-1 compliant
- (b) Steel that is ISO 10993-6, 10993-10, and/or 10993-11 compliant (EEC Nickel Directive compliant)
- (c) Titanium (Ti6A/4V EL1) that is ASTM F-136 compliant or ISO 5832-3 compliant
- (d) Titanium that is ASTM-67 compliant
- (e) Solid 14 karat gold or higher, nickel-free white or yellow gold (purity verification must be available for inspection upon request)
- (f) Solid nickel-free platinum alloy
- (g) Niobium (Nb)
- (h) Fused quartz glass, lead-free borosilicate or lead-free soda-lime glass
- (i) Polymers (plastics) as follows:
 - Tygon Medical Surgical Tubing S-50HL or S-54HL
 - Polytetrafluoroethylene (PTFE) that is ASTM F754-00 compliant
 - Any plastic material that is ISO 10993-6, 10993-10 and/or 10993-11 compliant and/or meets the United States Pharmacopeia (USP) Class VI material classification
- (j) All threaded or press-fit jewelry must have internal tapping (no threads on posts).
- (k) For body jewelry purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs and polishing compounds; metals must have a consistent mirror finish

Copies of the jewelry manufacturer's documentation, which verify compliance with standards, must be available for inspection on request.

- 50. **“Handwash facilities”** means a lavatory providing an adequate supply of potable hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body. The facility shall include a soap dispenser, soap, and single use disposable towels in a covered dispenser.
- 51. **“Law”** means any applicable provision of the State of Georgia statutes and rules of any department or agency.
- 52. **“Microbiological monitoring for quality control”** means the use of a standard spore, to challenge the sterilization process.
- 53. **“Microblading of the eyebrow”** means a form of cosmetic tattoo artistry where ink is deposited superficially in the upper three layers of the epidermis using a handheld tool made up of needles known as a microblade to improve or create eyebrow definition, to cover gaps of lost or missing hair, to extend the natural eyebrow pattern, or to create a full construction if the eyebrows have little to no hair.
- 54. **“Minor”** means an individual under the age of eighteen (18).
- 55. **“NSF”** means the National Sanitation Foundation.
- 56. **“Occupational exposure”** means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials resulting from the performance of an employee's activities.
- 57. **“Operator/owner”** means any person, firm, company, corporation or association that owns, controls, operates, conducts, or manages a body art establishment and who is responsible for compliance with these regulations regardless whether actually performing body art procedures or not.
- 58. **“OSHA”** means the Federal Occupational Safety and Health Administration.
- 59. **“Other potentially infectious material”** means the following human body fluids: semen, vaginal secretions, saliva, and any other body fluid visibly contaminated with blood.

60. **“Parenteral”** means piercing mucous membranes or the skin barrier through such events as needle sticks and piercings.
61. **“Permit”** means Health Authority approval in writing authorizing the permit holder to operate a body art establishment for the purpose of engaging in the practice or business of body art procedures. Health Authority approval shall be granted solely for the practice of body art pursuant to these regulations.
62. **“Permit holder”** means the partnership, corporation, association, or the person or group of persons who maintain and control the body art studio and personnel, and who are legally responsible for the operation of the studio.
63. **“Person”** means an individual, any form of business or social organization or any other non-governmental legal entity, including but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.
64. **“Personal protective equipment”** means specialized clothing or equipment, such as gloves or lap cloth, worn by an employee for protection against a hazard. General work clothes not intended to function as protection against a hazard are not considered to be personal protective equipment.
65. **“Personnel”** means the permit holder, any person who performs body art, individuals having supervisory or management duties, or any other person employed or working in a body art establishment. This individual may or may not be a body artist.
66. **“Physician”** or **“osteopath”** means an individual licensed to practice medicine in Georgia pursuant to OCGA Chapter 34 of Title 43.
67. **“Pierce”** or **“piercing”** means body piercing.
68. **“Potable water”** means water that is from an approved water system meeting Georgia Safe Drinking Water Standards that is safe for drinking.
69. **“Premises”** means the physical location of an establishment which offers and performs body art procedures.
70. **“Proof of age”** means a driver’s license or other generally accepted means of identification that describes the individual as sixteen (16) or eighteen (18) years of age or older as applicable, contains a photograph, and appears to be valid.
71. **“Safe materials”** means articles manufactured for the specific purpose of body art procedures which are unlikely to cause injury or disease under proper use and care.
72. **“Sanitary”** means clean and free of agents of infection or disease.
73. **“Sanitized”** means the application of a U.S. EPA registered sanitizer on a cleaned surface by a process that provides sufficient concentration of chemicals for enough time to reduce the microorganism level, including pathogens, to a safe level on utensils and equipment in accordance with the label instructions.
74. **“Sewage”** means human excreta, all water-carried waste, and liquid wastes from residences, buildings, or commercial and industrial establishments.
75. **“Sharps”** means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa.

76. **“Sharps container”** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal that is labeled with the International Biohazard Symbol; specifically made for the disposal of sharps; required and regulated by OSHA
77. **“Single-use”** means disposable products or items that are intended for one-time, one-person use and are properly disposed of by appropriate measures after use on each client. Single-use items include but are not limited to cotton swabs or balls, single-use instruments, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, stencils, ink cups, and protective gloves. May also be defined as “single-service.”
78. **“Solid waste”** means refuse, garbage, trash, rubbish, and any other item(s) which could cause an unsanitary condition or undesirable health and safety conditions.
79. **“Spore”** means a dormant, non-reproductive body able to survive adverse environmental conditions including high temperatures, dryness, and lack of nourishment for long periods of time. Under the proper conditions, the spore may revert to an actively multiplying form of the bacteria, fungi, or protozoa.
80. **“Spore test”** means a biological monitoring process in which resistant spore growth on test media is processed in a studio’s autoclave to verify that it is functioning properly. A third party culturing service must be engaged for this process to provide documentation serving as a tangible record and legal document verifying the autoclave’s ability to achieve proper sterilization.
81. **“Sterilization”** or **“sterilize”** means the use of a physical or chemical procedure by which all forms of microbial life, including bacteria, viruses, spores, and fungi are destroyed including highly resistant bacterial endospores. This is achieved by holding in a commercial, Class B autoclave according to manufacturer’s instructions as approved by the Health Authority.
82. **“Sterilized indicator”** means a tape, strip, bag, or other device designed to change color to indicate that sterilization temperature has been achieved during the sterilization procedure.
83. **“Sterilizer”** means an autoclave certified to meet generally accepted medical standards. See Autoclave.
84. **“Tattoo”** means to mark or color the skin of any person by pricking in, inserting, or implanting pigments to include cosmetic micropigmentation, except when performed by a physician licensed as such pursuant to Chapter 34 of Title 43.
85. **“Tattoo artist”** means a person at least eighteen (18) years of age who engages in the practice/ service of tattooing regardless of the type of tattoo or area to be tattooed.
86. **“Temporary Body Art Establishment”** shall mean any location, place, facility or business, whereby an operator has been granted a permit to practice body art by the Health Authority for no more than a period of seven (7) consecutive days only for the purpose of product demonstration in connection with conventions or industry trade shows.
87. **“Ultrasonic cleaning unit”** means a unit approved by the Health Authority with a lid, physically large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high energy and high frequency oscillations transmitted through the contained liquid.
88. **“Universal precautions”** means treating all blood and body fluids as if they contain blood borne pathogens and taking proper precautions to prevent the spread of any blood borne pathogens.
89. **“Utensil”** means any implement, tool, or other similar device used in the storage, preparation, operation, or processing of body art.
90. **“Violation correction”** means a plan for correcting deficiencies in meeting these rules and regulations of the local Board of Health.

91. **“Waste”** means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a body art studio.

92. **“Work area, work station”** means an area where clients receive body art.

.05 Permit holder.

(1) The permit holder shall be responsible for compliance with the requirements of this Rule, other applicable laws and with applicable administrative rules and regulations of the Georgia Department of Public Health, including but not limited to all applicable statutes, rules and regulations regarding disclosure of ownership and citizenship.

(2) The permit holder shall certify in its application the name(s) and exact duties of employees/artists who have been designated as being responsible for carrying out the rules and policies adopted by the permit holder. The following information shall be included: Valid driver’s license or Government issued I.D, date of birth (DOB), home address, home/work phone numbers, Body Artist Permit of all artists.

(3) Prior to being granted a permit, each body art studio shall develop a written statement of policies and standard operating procedures including:

- (a) Sterilization, if applicable
- (b) Employee health
- (c) Employee Drug and Alcohol Use
- (d) Sanitizing areas and equipment between clients
- (e) Disposal of waste
- (f) Record keeping
- (g) Client screening
- (h) Aftercare

(4) Prohibited Facilities

(a) Neither body art studios nor body art procedures shall be allowed in the same structures or areas used for private residences, other structures used for human habitation, food services, retail sales, grocery stores, convenience stores, or similar locations; however, this does not prohibit body art operations in completely separate areas of certain businesses considered safe and appropriate by the Health Authority.

(b) Body art studios shall not be allowed in automobiles, mobile, transitory or other non-fixed facilities. Such non-fixed facilities include, but are not limited to, mobile trailers, tents, and recreational vehicles.

(5) Prohibited Procedures

(a) Implants, 3-D procedures or other procedures involving insertion of foreign objects under the skin are prohibited.

(b) Any body art procedure that results in the permanent removal of tissue or requiring medical equipment (ex. scalpels, dermal punches) shall be prohibited, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to perform such procedures.

(c) Manipulating needles, other sharps, or any items to serve the purpose of a scalpel or other medical implement is strictly prohibited.

- (d) The following acts will be prohibited: scarification (branding, cutting, skin peeling,) suspension piercing, neck rings, foot binding, corseting, play piercing, surface/microdermal anchors.
 - (e) No person under the age of eighteen (18) shall be tattooed, except that a physician or osteopath licensed under Chapter 34 of Title 43, or a technician acting under the direct supervision of such licensed physician or osteopath shall be authorized to do so.
 - (f) It shall be unlawful for any person to pierce the body, with the exception of the ear lobes, of any person under the age of 18 for the purposes of allowing the insertion of earrings, jewelry, or similar objects into the body, unless the body piercing is performed in the presence of the person's parent or legal guardian. The parent or legal guardian must have proper identification and sign a written consent form provided by the Body Art establishment. The consent form must indicate the methods and part(s) of the minor's body upon which the body piercing procedure is performed. Nipple and genital piercing is prohibited on minors regardless of parental or legal guardian consent.
 - (g) In accordance with O.C.G.A.16-12-5, it shall be unlawful for any person to perform permanent tattooing or cosmetic micropigmentation procedures within any area within one inch of the nearest part of the eye socket unless performed by a physician, licensed osteopath, or a technician acting under the direct supervision of a physician or licensed osteopath, however Code Section 16-12-5 shall not apply to microblading of the eyebrow.
 - (h) No person except a duly licensed physician or a Georgia licensed Cosmetic laser practitioner as defined under Chapter 34 Title 43 shall remove or attempt to remove any tattoo
- (6) Artists and facilities must meet all other applicable statutes, ordinances, rules and regulations to include local, state, and federal prior to being permitted and while in operation.
 - (7) Body artists shall not be under the influence of alcohol and/or drugs while performing body art procedures.
 - (8) Operators shall refuse services to any person who appears under the influence of alcohol or drugs.
 - (9) A body artist shall not provide service to any person who shows evidence of being mentally incapacitated.
 - (10) Live animals shall be excluded from within the body art studio and from adjacent areas within the facility under the control of the permit holder. However, this exclusion does not apply to fish in clean, maintained aquariums which are maintained outside of an artist work area. Service animals accompanying disabled persons shall be permitted in the establishment.
 - (11) The exposed skin of the body artist shall be free of rash, any lesion or visible sign of infection. A body artist shall not conduct any form of body art activity upon any area of a client that evidences the presence of any rash, lesion or other visible signs of infection.
 - (12) Any future body art procedures not covered within these rules which have the potential for transmitting infectious disease must receive written departmental approval prior to being offered to customers or patrons.
 - (13) Body art shall only be performed by individuals holding a current Body Artist Permit or a Temporary/Guest Body Artist Permit issued by the Forsyth County Board of Health.

.06 Personnel

- (1) The owner or governing body of each body art facility must maintain a file on all employees who perform body art procedures. Employee files must be kept on location for the duration of the person's

employment and for a minimum of three (3) years after the person is no longer employed. The employee files must be available for inspection and include a Health Authority issued Body Artist Permit and include a copy of a photo ID.

- (2) Any Body Artist working in an existing body art establishment on the effective date of these rules will have 12 months to obtain the ~~s~~trainings listed in .09 of this rule.
- (3) The permit holder of the body art establishment shall make available, at no cost to the personnel, the Hepatitis B vaccination series, as well as any routine booster dose(s) to every person who may have occupational exposure to blood or other potentially infectious material. For new personnel, the vaccine shall be made available within ten (10) business days of initial work assignment.

.07 Application for Permit.

- (1) Within 12 months of the effective date of these rules, any person operating a body art establishment shall obtain and display a valid Forsyth County Body Art Establishment permit issued by the Health Authority.
- (2) The permit holder of each body art studio shall submit to the local Health Authority an application for a permit to operate under the rules and regulations. No studio shall be operated and no body art performed without a current permit from the Health Authority pursuant to this Rule.
- (3) To be eligible for a permit the studio must be in compliance with these rules and regulations.
- (4) The application for permit shall be made on forms provided by the Department.
- (5) Each application for a permit shall be accompanied by an 8 ½" x 11" or larger page containing a detailed, to-scale floor drawing of the body art studio. Such drawing shall show the accurate placement of each of the following: windows, doors, chairs, tables, sinks, restrooms, waiting area, and all equipment placement whether affixed or not for clients and/or staff and to include room measurements.
- (6) Specification sheets for all equipment to be located in the facility shall be provided as determined by the Health Authority.
- (7) The ownership of the studio shall be fully disclosed in its application for a permit.
- (8) Zoning and other local requirements regarding proper location and establishment of body art studios to include building, plumbing and electrical codes shall be addressed by the applicant with the responsible local officials.
- (9) Prior to the issuance of the permit to new or existing establishments the applicant shall provide evidence of satisfactory compliance with the provisions of this Rule and all other provisions of laws that apply to the location, construction and maintenance of body art establishments and the safety of persons therein.
- (10) Temporary Body Art Facilities.
 - (a) A Temporary facility permit may be issued for Body Art services provided outside of the physical site of a facility registered with the Health Authority for the purpose of product demonstration in connection with Body Art conventions or industry trade shows.
 - (b) A Temporary Body Art Establishment permit may be obtained after submitting an application for a temporary facility. Such application must contain the location, the operating days, hours of operation of the temporary facility, and the plans/description of the temporary facility.
 - (c) Temporary facility permits will not be issued unless:

1. The applicant is a minimum of eighteen 18 years of age and demonstrates to the Health Authority his/her successful compliance with all training, disclosure, consent and requirements of this Body Art Regulation.
 2. Application for a permit for the practitioner and/or temporary facility has been submitted for review by the Health Authority, at least thirty (30) days prior to the event.
 3. The applicant has paid all required fees set by the Board of Health.
- (d) The following criteria pertain to temporary facilities permitting:
1. No permit for a temporary body art establishment may be issued for more than seven (7) consecutive days.
 2. An applicant for a Temporary Body Art Establishment permit shall not receive more than two consecutive seven (7) day permits during a thirty-day (30) period.
 3. Temporary facility permits shall not be transferable from one place to another or from one person to another.
 4. Temporary facility permits shall be posted in a prominent and conspicuous place as determined by the Health Authority so clients can readily observe them.
- (e) Temporary facilities shall meet the requirements of these regulations. In addition, the following will be required:
1. A convenient handwashing facility must be located within each work or demonstration area for employee handwashing. In the absence of a hand wash station meeting the requirements of the Rule, this facility shall consist of, at least, a catch bucket, a pressurized or gravity fed, hands-free container filled with potable water, liquid antimicrobial hand soap and individual paper towels at the service site.
 2. Only single-use, disposable, pre-sterilized supplies can be used.

.08 Body Art Establishment Permit.

- (1) The Health Authority shall issue a body art establishment permit:
 - (a) Upon receiving a completed application with applicable fees, and
 - (b) After an inspection of the proposed facility reveals the facility is in compliance with requirements of these rules.
- (2) The permit shall be displayed near the front entrance of the facility within fifteen (15') of the front or primary public door and between five feet (5') and seven feet (7') from the floor and in an areas where it can be read at a distance of one foot (1') away, or if for some reason this is impractical, in an area prescribed by the Health Authority.
- (3) An operating permit shall not be valid for more than twelve (12) months and is not transferable from one studio to another.
- (4) Responsibilities of the Permit Holder:
Upon acceptance of the permit issued by the Health Authority, the permit holder in order to retain the permit shall:
 - (a) Comply with the provisions of this Rule including the conditions of a granted variance;

- (b) Immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist as defined under this Rule;
- (c) Replace existing facilities and equipment with facilities and equipment that comply with this Rule if:
 - 1. The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted,
 - 2. The Health Authority directs the replacement of the facilities and equipment because of a change of ownership, or
 - 3. The facilities and equipment are replaced in the normal course of operation;
- (5) A permit shall no longer be valid and shall be returned to the Health Authority when the studio ceases to operate, has moved to another location, the ownership changes, or the permit is suspended or revoked.
- (6) One copy of the most current version of this Body Art Regulation must be at the facility at all times. If not provided by the County Health Department, the Health Department must provide a location or website whereby a copy of the regulations may be obtained.
- (7) A studio, which fails to comply with these rules and regulations, shall be subject to enforcement actions as specified in .24 of this Rule

.09 Body Artist Permit.

- (1) No person shall practice body art procedures without first obtaining a Body Artist Permit from the Health Authority.
- (2) An applicant for a Body Artist Permit must be a minimum of eighteen (18) years of age and shall demonstrate to the Health Authority his/her successful compliance with all training, disclosure, consent and educational requirements of this Body Art Regulation prior to the issuance or renewal of a Body Artist Permit by the Health Authority.
- (3) Body artist applicants shall submit a completed application provided by the Health Authority, pay a permit fee to Forsyth County Board of Health, and provide a letter of employment from the permit holder of a permitted body art establishment.
- (4) Application for the Body Artist Permit shall include:
 - a) Name;
 - b) Date of Birth;
 - c) Residence address;
 - d) Mailing address;
 - e) Phone number;
 - f) Photo Identification;
 - g) Proof of successful completion of an OSHA-compliant Blood borne Pathogen/Universal Precautions training program and Basic First Aid/CPR classes given or approved by the Health Authority.
 - h) Provide proof of employment within a permitted establishment;
 - i) Hepatitis B Vaccination Status – Disclosure. An applicant for a Body Artist Permit shall provide the Health Authority, and shall provide to the owner of any Body Art Establishment in which the applicant intends to perform or in which he does perform body art activity, valid documentation of his Hepatitis B Virus (HBV) vaccination status stating:
 - a. Documentation of HBV vaccination
 - b. Laboratory evidence of immunity;
 - c. Documentation stating the vaccine is contraindicated for medical reasons;
Contraindications require a dated and signed licensed health care professional's

statement specifying the name of the Body Artist applicant or employee and that the vaccine cannot be given; or

- d. Signed certificate of vaccination declination of HBV as required by OSHA.
- (5) No Body Artist Permit will be issued without successfully completing an OSHA-approved course in Blood borne Pathogens/Universal Precautions and an approved Basic First Aid/CPR.
 - (6) Acting within scope of permit: A body artist shall only perform that form of body art that is indicated in the Body Artist Permit application.
 - (7) The Body Artist Permit shall be renewed every year and shall be conditioned on meeting the above referenced training requirements and paying required annual permitting fees to the Forsyth County Board of Health.
 - (8) A copy of the Body Artist Permit of any Body Artist performing body art procedures within the facility shall be posted in a prominent and conspicuous area approved by the Health Authority upon entry to the facility as well as in each artist's work area where they may be readily observed by clients during the procedure.
- (9) Guest Body Artist Permit.
 - (a) No visiting body artist shall practice body art without a Guest Body Artist Permit issued by the Health Authority.
 - (b) The Health Authority may issue a seven (7) day permit to engage in the practice of body art. Such guest Body Artist Permit will allow a person to practice body art under the direct supervision of a body artist holding a current Department- issued Body Artist Permit. The issuance of a Guest Body Artist Permit is conditional upon the following:
 - (1) The applicant has received training equivalent to the minimum training requirement set by this Body Art Regulation. Documentation must be submitted to the Health Authority;
 - (2) The applicant shall provide a letter of consent signed by a body artist permitted by the Health Authority, a copy of the Body Artist Permit of the sponsoring artist, and a copy of the body art facility permit where the applicant will perform body art; a minimum of ten (10) days in advance of the start date of providing services and
 - (3) Pay fee determined by the Forsyth County Board of Health.

.10 Client Files.

- (1) Every facility shall require that each client complete an application and consent form approved by the Health Authority prior to having any Body Art activity performed upon or to their body. Minors must have permission for piercings (where allowed) per .05 (5) f of this rule.
- (2) The application and consent form shall contain a minimum of the following:
 - (a) Name;
 - (b) Date of Birth and age;
 - (c) In the case of piercings for a minor client, the parents' or legal guardian's picture ID, proof of parentage or legal guardianship through a copy of a birth certificate or court order of guardianship respectively, state-issued photo ID for the minor client or other facility approved proof of photo ID for the minor client, and the written consent to conduct the contemplated Body Art activity to be performed upon the minor client;
 - (d) A brief description of the Body Art activity to be performed;
 - (e) The phone number of the County Health Department and instructions for the client, or in the case of a minor client the minor client and his/her parent or legal guardian, to contact the

- Health Department with any complaint, question or concern regarding safety, sanitization or sterilization procedures;
- (f) The name of the Body Artist who is to conduct the Body Art upon the client or minor client;
 - (g) Signature of the client, or in the case of a minor client – the signature of the client’s parent or legal guardian signed in the presence of the Body Artist;
 - (h) The signature of the Body Artist; and
 - (i) The date(s) of all signatures.
- (3) The facility shall ensure that the client inform the Body Artist of any known chronic medical or communicable conditions, including, but not limited to the following:
- (a) Diabetes;
 - (b) History of hemophilia;
 - (c) History of skin disease, skin lesions, or skin sensitivities to soap, disinfectants, etc.;
 - (d) History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
 - (e) History of epilepsy, seizures, fainting or narcolepsy;
 - (f) The taking of medications such as aspirin or other anticoagulants, which thin the blood and or interfere with blood clotting;
 - (g) History of or suspicion of adverse reaction to latex or products containing latex;
 - (h) History of keloid formation.
- (4) A facility shall require that each Body Artist inquire about known pregnancy or possibility of a pregnancy from each client.
- (5) The Body Artist shall inform the client, verbally and in writing that the health conditions outlined in (3) and (4) may increase health risks associated with receiving a body art procedure.
- (6) The Body Artist shall require the client to sign a release form confirming that information in (3) and (4) was obtained or attempted to be obtained and the client refused to disclose the same.
- (7) For each client, proper records of identification, an application and consent form, a description and location of the body art received, and copies of the following forms shall be kept and retained for a minimum of three (3) years at the studio:
- (a) A statement by the client attesting that he/she is not under the influence of alcohol and/or drugs.
 - (b) Procedures signed by the client advising them of proper subsequent care of the body art. A copy of an informational sheet signed by the client informing them of the risks involved and possible complications that might result from the body art procedure.

.11 Minimum Standards.

- (1) Each studio where body art procedures are administered shall provide work areas separate from observers or visitors. Body artists shall not perform body art procedures simultaneously on different clients in the same work area.
- (2) There shall be adequate floor space for each work station in the establishment. Work areas must be separated by nonabsorbent curtains, knee walls, or other partitions approved by the health authority. Works areas shall provide privacy, if desired by the client, by means of nonabsorbent curtains or similar approved partitions.
- (3) A body art establishment shall have a cleaning room to be used exclusively for the cleaning, disinfection, and sterilization of instruments.
- (a) The cleaning room shall have a separate stainless steel instrument sink reserved only for instrument disinfectant activities and shall be equipped with hot and cold running water. Sink shall have smooth welds and joints, be free of breaks and open seams, and be easily cleanable.
 - (b) The cleaning room shall be separated from any other area in the facility by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of

- eight (8) feet and must be labeled to prevent clients from entering the room.
- (c) The cleaning room shall be equipped with an ultrasonic cleaning unit and a Class B or S medical grade autoclave. The autoclave shall be used to sterilize all non-disposable and reusable body art equipment.
 - (d) The instrument sink, ultrasonic cleaning unit, and autoclave shall each be separated by a minimum distance of forty-eight (48) inches unless using a splashguard approved by the Health Authority.
 - (e) The cleaning room walls, floors, doors, windows, skylight, and other components shall be constructed of smooth, nonabsorbent, durable material and be maintained in good repair.
 - (f) In establishments that only tattoo, the requirement for an ultrasonic cleaning unit and autoclave may be waived if the establishment only stores and uses commercially purchased sterile single-use disposable tattoo instruments.
- (4) Hand washing facilities shall be provided within each workstation. Hand washing facilities will also be made available in the cleaning rooms. These are in addition to the required sinks in toilet rooms. Facilities that are open and operating at the time these rules are implemented will be required to have one hand wash sink that is available by an unobstructed pathway within thirty (30) feet of each workstation not to include any hand wash sinks in toilet rooms.
- (5) Hand washing sinks and instrument sinks shall be used for those intended purposes only.
- (6) At least one (1) mop sink or one (1) curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and trash cans and for the disposal of mop water and similar liquid waste. After adoption of these rules, mop sinks will be required for any new facility or upon renovation to any existing facility or any major plumbing renovation that occurs.
- (7) The use of common towels and cloths is prohibited for any reason.
- (8) Sanitary Facilities and Controls.

(a) Water Supply.

1. Approved System. Enough potable water for the needs of the body art establishment shall be provided from an approved source that is a public water system; or a nonpublic water system that is constructed, maintained and operated according to applicable state or local codes as amended.

(b) Non-Public Water Supply – Approved Wells.

1. Water from a non-public water system shall follow guidelines established in the GA EPD Memorandum of Understanding for Non-Public Water Supplies
2. Sampling Report. The most recent sample report for the non-public water system shall be retained on file in the Body Art facility and results must be forwarded to the local Environmental Health Office

(c) Sewage.

All sewage, including liquid water, shall be disposed of by a public sewerage system or by an approved on-site sewage disposal system.

(d) Plumbing.

Plumbing shall be sized, installed, and maintained according to law. There shall be no cross-connection between the potable water supply and any other water supply or other possible source of contamination.

(9) Toilet Facilities.

- (a) There shall be a minimum of one restroom containing a toilet and a handwash facility readily accessible to any Body Artist, client, or customer that does not require passage through a cleaning room and work area, with the exception that access through such areas will be allowed if the risk of contamination is determined to be minimal at the discretion of the Health Authority.
- (b) Toilet rooms. Toilet rooms opening directly into work or client waiting areas shall be completely enclosed and shall have tight-fitting, solid self-closing doors, which shall be closed except during cleaning or maintenance.
- (c) All toilet rooms shall have sufficient mechanical ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.
- (d) Toilet fixtures. Toilet fixtures shall be kept clean and in good repair. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles with trash liners shall be provided for waste materials. Toilet rooms shall have at least one covered waste receptacle.

(10) Handwash Facilities.

- (a) Handwash facilities shall be designed, installed, and maintained according to law. All handwash facilities that may be used for hand washing by employees shall be designed such that they are operable without use of hands.
- (b) Each handwash facility shall be provided with hot water at a temperature at least 110° F (38°C). Hot and cold water shall be tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 20 seconds without the need to reactivate the faucet.
- (c) A soap dispenser and a supply of antiseptic, hand-cleaning soap or detergent shall be available at each handwash facility. A fully covered or enclosed towel dispenser with a supply of single use sanitary towels shall be conveniently located near each handwash facility. Easily cleanable covered waste receptacles shall be conveniently located near the hand washing facilities.
- (d) Sinks, soap dispensers, paper towel dispensers, and all related fixtures shall be kept clean, in good repair, and supplied at all times.

(11) Solid Waste.

- (a) Non-Biomedical Waste Containers.
 - 1. Garbage and refuse shall be kept in durable, easily cleaned containers that do not leak and do not absorb liquids.
 - 2. All outside refuse containers shall be covered and maintained.
 - 3. Containers used in work areas shall be kept covered when not in use. At least one (1) waste receptacle shall be provided in each operator area. Receptacles in the body artist area shall be emptied daily and solid waste shall be removed from the premises at least weekly or more if necessary.
 - 4. There shall be a sufficient number of containers to hold all the garbage and refuse that accumulate.
- (b) Garbage and refuse shall be disposed of at such frequency to prevent the development of odor and the attraction of insects, rodents, or vermin.

(c) Biomedical Waste Containment.

1. Disposal of infectious waste such as blood, fluids, used inks, or other liquid waste may be deposited directly into a drain connected to an approved sewer system or on-site sewage system.
2. Containment of biomedical waste shall be in a manner and location which affords protection from animals, rain and wind, does not provide a breeding place or a food source for insects and rodents, and minimizes exposure to the public.
3. Biomedical waste shall be segregated by separate containment from other waste at the point of origin.
4. Biomedical waste, except for sharps, shall be placed in containers which are impervious to moisture and have strength sufficient to preclude ripping, tearing, or bursting under normal conditions of use. The containers shall be securely closed so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling, or transport.
5. Sharps shall be contained for storage, transportation, treatment and subsequent disposal in leak-proof, rigid, puncture-resistant containers which are taped closed or tightly lidded to preclude loss of contents.
 - a. Rigid containers of discarded sharps and all other disposable containers used for containment of biomedical waste shall be red or orange in color and clearly identified with the universal biohazard symbol or clearly marked with the word "Biohazard".
 - b. Biomedical waste contained in disposable containers as prescribed above, shall be placed for storage, handling, or transport in disposable or reusable pails, cartons, boxes, drums, or portable bins. The containment system shall have a tight fitting cover and be kept clean and in good repair. The containers may be of any color and shall be conspicuously labeled with the universal biohazard symbol and the word "Biohazard" on the sides so as to be readily visible from any lateral direction when the container is upright.
 - c. Reusable containers used for shipment of biomedical waste shall be thoroughly washed and decontaminated each time they are emptied. Reusable pails, drums, dumpsters or bins used for containment of biomedical waste shall not be used for other purposes.
 - d. Sharps containers and biomedical waste containers must be mounted at a height of fifty-six to fifty-two inches (56" to 52") at a standing workstation, and forty-two to thirty-eight inches (42" to 38") for a seated workstation.

(12)The premises shall be kept in such condition as to prevent the entrance, harborage, or feeding of insects, rodents, or vermin.

(13)Physical Facilities, Floors, Walls, Ceilings, and Attached Equipment: Floors, walls, ceilings, and attached equipment and decorative materials shall be kept clean and maintained in good repair.

(a) Floors

1. Floors and floor coverings of all work areas, dressing rooms, locker rooms, toilet rooms and vestibules shall be constructed of smooth, nonabsorbent, hard durable material and maintained in good repair.
2. The floor and cove base/joint shall be properly sealed.
3. Carpeting is allowed in the lobby area only and shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair.

(b) Walls and Ceilings

1. Maintenance. Walls and ceilings, including doors, windows, skylight, and similar closures shall be constructed of durable, easily cleanable material and be maintained clean and in good repair.
2. Attachments. Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings shall be easily cleanable and maintained in good repair.

(14)Lighting

- (a) Permanently fixed artificial light sources shall be installed to provide at least fifty (50) foot candles of light on all work area surfaces and at equipment washing work levels.
- (b) Permanently fixed artificial light sources shall be installed to provide at a distance of thirty (30) inches from the floor at least ten (10) foot candles of light in all other areas.

(15)Ventilation. All rooms shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

(16)Poisonous or Toxic Materials

- (a) Materials permitted. There shall be present in the body art studio only those poisonous or toxic materials necessary for maintaining the establishment and cleaning or sanitizing equipment, as well as controlling insects and rodents.
- (b) Labeling of materials. Containers of poisonous or toxic materials shall be prominently and distinctly labeled according to law for easy identification of contents and approved for intended use.
- (c) Toxic items shall be separated from other materials used in body art procedures by way of a closed cabinet.
- (d) Spray bottles labeled with contents may be used for the purpose of cleaning but not for body art procedure preparation.

(17)Premises

- (a) Body art establishments shall be kept neat, clean, and free of litter and rubbish.
- (b) Only articles necessary for the operation and maintenance of the body art establishment shall be stored on or within the establishment. Lockers or other designated area will be provided for such personal items as purses, jackets, medications, etc.
- (c) Aisles and working spaces. Aisles and working spaces between units of equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of equipment or of operational surfaces by clothing or personal contact.

(18)Equipment and Utensils

- (a) Materials
 1. Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; they shall be corrosion-resistant and nonabsorbent; and they shall be smooth, easily cleanable, and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, and safe materials.
 2. Re-use of single-service articles is prohibited.
- (b) Design and Fabrication

1. General. All equipment and utensils, including plastic ware, shall be designed and fabricated for durability under conditions of normal use and shall be resistant to denting, buckling, pitting, and chipping.
 - (i) Body art operational surfaces shall be easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections, as well as free of difficult to clean internal corners and crevices.
 - (ii) Sinks and drain boards shall be self-draining.
2. Operational surfaces. Surfaces of equipment not intended as operational surfaces, but which are exposed to splash or debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices and readily accessible for cleaning. Such surfaces shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
3. Needles, needle assembly with bar, dyes, or pigments shall be designed and manufactured for the sole purpose of body art.

(19) Minimum supplies of establishment. Each work station is to be equipped or stocked in the following manner:

- (a) Body Tattooing Establishments:
 - a minimum of six (6) commercially packaged single use pre-sterilized needle assembly with bar and six (6) sterilized needle tubes;
 Body Piercing Establishments:
 - a minimum of six (6) commercially packaged single use pre-sterilized needles, six (6) sterilized needle tubes, six (6) sterilized forceps, and six (6) sterilized hemostats;
 - a minimum of six (6) single-use pens or equivalent instruments.
- (b) A minimum of four (4) extra packages of disposable towels other than the package that is being used;
- (c) A minimum of one (1) extra box of medical grade disposable gloves other than the box being used;
- (d) An extra supply of bandages, ointment or gel, and antimicrobial soap.

.12 Furnishings and Fixtures.

- (1) Furnishings of the body art studio shall be maintained in good condition, intact, and functional. Furnishings should be made of or covered in a material that is easily cleanable and non-absorbent.
- (2) All surfaces in the work room that could potentially be contaminated during a procedure must be non-porous to allow for proper cleaning. This includes but is not limited to: work tables, chair mats and bases, shelving, and counters.
- (3) Work tables and chairs shall be provided for each body artist.
 - (a) All exposed surfaces of all worktables and chairs shall be constructed of material, which is smooth, nonabsorbent, corrosive resistant, and easily sanitized.
 - (b) All exposed surfaces of work tables and chairs shall be sanitized with an antimicrobial solution approved by the Health Authority after each use and between clients.

.13 Supplies.

- (1) Bulk single use articles shall be commercially packaged and handled to protect them from contamination. These articles shall be stored in an area separate from the work area and toilet facilities.

- (2) All materials intended for single-use applied to the human skin shall be from single-use containers and shall be disposed of after each use.
- (3) Cabinets and closed, sealable containers for the storage of instruments, pigments, single use articles (ex., gloves, ink caps, carbon, stencils, etc.) shall be provided for each body artist and shall be maintained in a sanitary manner which protects them from contamination.

.14 Health and Hygiene.

- (1) With the exception of a plain ring such as a wedding band, body artist jewelry on hands and wrists such as watches, rings, bracelets, etc., shall be removed prior to the start of the body art procedure.
- (2) Prior to the procedure, the artist shall inspect his/her hands for hangnails, small cuts, sores, and abrasions. If a cut, sore, or abrasion is detected, a bandage shall be applied for added protection before gloving. Trim fingernails to insure that gloves are not punctured. Recent tattoos or piercings in the healing process shall also be properly covered as to prevent any bodily fluid transfer.
- (3) Use aseptic technique. Thorough hand washing is essential after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.
- (4) The artist must thoroughly wash their hands in hot, running water with antibacterial soap, then rinse hands and dry with disposable paper towels before and after performing body art procedures or anytime there is an interruption in body art procedure that requires the artist to remove and replace gloves. Use of alcohol-based hand sanitizers are recommended after each hand washing and should be utilized when a glove change is required during a body art procedure.
- (5) Medical grade, single-use, disposable latex or approved non-latex examination gloves shall be worn during the body art procedure. Gloves shall be changed and properly disposed of each time there is an interruption in the body art procedure, the gloves become torn or punctured, or whenever their ability to function is compromised. Under no circumstances shall a single pair of gloves be used on more than one individual. Vinyl gloves are not allowed.
- (6) A body artist shall maintain the highest degree of personal cleanliness, conform to standard hygienic practices, and wear clean clothes when performing body art procedures. Single-use aprons, smocks, or sleeve covers are acceptable. Open-toed shoes or shoes with holes shall not be permissible.
- (7) The skin of the artist shall be free of rash or infection. No artist affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions, fever, vomiting, diarrhea, or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that the individual could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
- (8) Universal precautions, as defined in these rules, shall be observed to prevent contact with blood or other potentially infectious materials. All employees shall be trained in universal precautions and present documentation of yearly training upon request.
 - (a) Assume all human blood, plasma, serum, body fluids (semen, saliva, breast milk, vaginal secretions and any fluid contaminated with blood) and tissues to be contaminated with Human Immunodeficiency Virus (HIV) and/or Hepatitis viruses (e.g., HBV, HCV).
 - (b) The most susceptible route of occupational infection for HIV, HBV, and HCV is by accidental needle sticks, but may include contamination of the mucous membranes, or through broken, abraded, or irritated skin. Use appropriate caution and maximum protection to prevent such contact.
 - (c) Proper decontamination procedures, emergency biohazard spill management, and proper use of biosafety equipment shall be utilized.

- (d) Use aseptic technique. Thorough hand washing is essential after client contact, after handling blood and body fluids, after wearing gloves, and prior to exiting the work area.
- (e) Infectious material spills shall be cleaned using an EPA registered disinfectant and universal precautions.
- (f) Clean all work areas and equipment used in handling human biohazardous materials with an EPA-registered disinfectant when concluding work to protect personnel from accidental infection.
- (g) Eating, use of tobacco products, and applying cosmetics or lip balm are not permitted in the work area. Drinking will be allowed only when a single-use cup that has a secure lid and straw is used in a way as to prevent the contamination of the artist's hands.
- (h) All procedures shall be performed carefully to minimize the creation of aerosols.
- (i) Employees shall report all work related accidents, incidents, and unexplained illness to their supervisor and/or physician immediately.
- (j) Soiled gloves shall be removed in a manner that minimizes the risk of self-contamination or cross-contamination after each operation and prior to contacting work surfaces, door knobs, wall switches, telephones, etc. Dispose of used gloves in a bagged trash container.
- (j) Food storage cabinets or refrigerators shall be located outside the work area.

.15 Instrument Cleaning and Sterilization.

- (1) An ultrasonic cleaning unit and operational medical-grade Class B autoclave shall be provided in each body art studio.
- (2) Ultrasonic cleaning units shall be clearly labeled "biohazardous" and shall be operated in accordance with the manufacturer's recommendation.
- (3) The ultrasonic cleaning unit and medical grade autoclave shall be used and maintained according to manufacturer's specifications. Each ultrasonic cleaning unit and medical-grade autoclave shall be emptied and thoroughly cleaned and disinfected per manufacturer's recommendations. Ultrasonic cleaning unit and autoclave maintenance records must be maintained for three (3) years and be made available upon request.
- (4) Used non-disposable instruments shall be kept in a separate puncture resistant container soaked in an EPA approved disinfectant until cleaned. The solution shall be changed as recommended by the solution manufacturer. The cleaning method shall include the following:
 - (a) Employees shall use personal protective equipment, protecting their eyes, nose, mouth and hands while cleaning instruments and follow manufacture's safety precautions for any chemicals used. Instruments shall be completely disassembled and pre-scrubbed prior to being placed into an ultrasonic cleaning unit. The ultrasonic unit must be sealed and covered when in use to protect from aerosolization.
 - (b) After removal from the ultrasonic cleaning unit, instruments should then be brush scrubbed in hot water and soap avoiding aerosolization, then rinsed in clean water and dried.
 - (c) Prior to being placed in the autoclave all equipment shall be bagged, labeled as to contents, initialed, dated and sealed. If multiple autoclaves are in use, the autoclave used must be designated on the packaging.
 - (d) Instruments shall be packed individually in sterilized packs and sterilized in a medical- grade autoclave. All sterilized packs shall contain either a sterilized indicator or internal temperature indicator.

- (e) Each autoclave bag must be used in accordance with the manufacturer's recommendations and may hold no more than one (1) individual item (ex. one tube or needle bar). A piercing set may be bagged together.
- (5) After sterilization, the packaged instruments shall be stored in a clean dry cabinet or other tightly covered container reserved and labeled for storage of sterile instruments.
- (6) If a sterilized package has been breached or allowed to get wet, the instrument(s) must be re-packaged and sterilized again before use.
- (7) A log of sterilization procedures shall be maintained near the sterilizing equipment. Included in the log shall be type of load, quantity of load, temperature, pressure and length of sterilizing time.
- (8) Spore indicators shall be used a minimum of at least once a month unless the manufacturer specifies more frequent monitoring. An independent commercial testing laboratory contracted by the operator/body artist or both shall perform monthly biological spore testing of the autoclave. The contract must contain a provision requiring the commercial testing laboratory notify the Health Authority of any failure of the autoclave to eradicate all living organisms, including spores. Records of the results must be kept on-site for a minimum of three (3) years.
- (9) Upon notification of a positive microbiological monitoring report, the operator shall cease use of the sterilizer immediately and the sterilizer shall be immediately checked for proper use and function. Any items remaining bagged after sterilization must be reprocessed and sterilized by an autoclave approved for use prior to return to service. Three (3) consecutive negative biological tests must be achieved before the studio is reopened. The studio shall have the option to obtain a properly functioning sterilizer with a negative biological report in order to remain open or if the studio has more than one autoclave in operation they may be given approval to remain open. The Health Authority will consider the body art studio's emergency plan should autoclave failure or malfunction occur.
- (10) Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.

.16 Dyes and Pigments.

- (1) All dyes or pigments used in tattooing shall be from commercial professional suppliers specifically manufactured as dyes and/or pigments only for the tattooing of human skin, containing an alcohol based preservative, and shall be used according to the manufacturer's instructions.
- (2) All ink shall be handled using the following protocol:
- (a) All bulk containers of ink shall not be used for longer than twelve (12) months from the date of initial opening, and not longer than the manufacturer's expiration date. Each open bulk container must be labeled with the date the container is first opened.
- (b) A supply of ink must be located at each work station and stored in a closed cabinet or drawer.
- (c) Containers of ink may only be handled while wearing clean medical grade gloves.
- (d) The tops of containers of ink must be disinfected prior to dispensing. After dispensing, the containers must be disinfected and immediately returned to their approved storage location before any tattoo procedures begin.
- (e) All ink must be dispensed into approved single use containers
- (3) In preparing or mixing of dyes or pigments, only nontoxic materials shall be used. Dyes or pigments shall be mixed and placed in individual single-use containers.

- (4) After tattooing, the remaining unused dye or pigment in the single-use container(s) shall be properly discarded along with the container(s).
- (5) The Material Safety Data Sheet (MSDS) of all inks must be available for client review to assess any possible allergic reaction to ingredients.

.17 Tattoo Preparation.

- (1) Medical grade disposable gloves shall be worn during the preparation of equipment for a tattoo procedure and during the procedure. Vinyl gloves are not permissible.
- (2) Before the procedure begins, all utensils to be used during the tattooing must be placed on a medical grade absorbent liner which must be placed on a disinfected surface
- (3) Only a commercially packaged, single-use, pre-sterilized needle assembly with bar shall be used and disposed of immediately after use into a puncture-proof, autoclavable container, or disposable biohazard container. Expired, breached needle packages or needle packages that have been allowed to become wet may not be re-sterilized and must be discarded.
- (4) Sterilized instruments shall remain in sterile packages until opened in front of the client.
- (5) Any part of a tattooing machine that may be touched by the artist during the procedure shall be covered with a disposable plastic sheath that is discarded after each procedure and the machine shall be disinfected.
- (6) A clip cord sleeve and barrier film shall be used over exposed electrical cords or other approved cleaning and disinfection methods demonstrated to prevent contamination.
- (7) All devices used to apply pigments must be designed and used to prevent backflow of pigments into the machine.
- (8) Single-use towels or gauze shall be used in preparing the site to be tattooed and shall be disposed of after use on each patron or client.
- (9) If shaving is necessary, single-use disposable razors shall be used and discarded between clients and as otherwise needed.
- (10) After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be thoroughly cleaned with a germicidal solution used in accordance with manufacturers label instructions.
- (11) When a workstation rinse cup is used alone, the cup and solution shall be disposable and discarded after each client.
- (12) If squirt bottles are used to dispense liquids, the liquid shall be applied onto a single-use wipe rather than directly onto the client.
- (13) Single-use ointment tubes, applicators, and supplies shall be discarded after each tattoo application.
- (14) When a paper stencil is used by a tattoo artist for transferring the design to the skin, it shall be single-use and disposable. The use of roll-on or stick deodorants for tattoo site preparation is prohibited.
- (15) The stencil shall be applied with antimicrobial soap or a Health Authority- approved product dispensed from a container in a manner that does not contaminate the unused portion.
- (16) When the design is drawn directly onto the skin, autoclavable, pre-sterilized, pens shall be used or single-use, non-toxic pens or markers shall be used and discarded after each use.

.18 Piercing Jewelry.

- (1) Client and body piercer should have appropriate size and quality jewelry chosen before the procedure begins.
- (2) Jewelry used in piercing shall consist of a material rated by the ASTM or the ISO as being suitable for permanent surgical implant, such as stainless steel, titanium, niobium, solid platinum or a dense low porosity plastic such as Tygon or PTFE. Copies of the jewelry manufacturer's documentation, which verify compliance with standards, must be available for inspection on request. Solid 14 karat or higher, white or yellow nickel-free gold may also be used. Purity verification must be available for inspection on request.
- (3) The jewelry must be free of nicks, scratches, or irregular surfaces.
- (4) All jewelry must be properly sterilized prior to use in a medical grade autoclave, stored in sterile indicator bags, sealed and dated. Any two-piece or multi-piece jewelry that is screwed or pieced together must be separated prior to sterilization.
- (5) Should jewelry become contaminated during the piercing process, a sterile piece of jewelry must be used or re-sterilization must occur.
- (6) Ear studs or other jewelry designed for ear lobe piercing are not appropriate jewelry for other body parts and shall not be used for any other purpose.

.19 Body Piercing Preparation.

- (1) Medical grade disposable gloves shall be worn during the preparation of equipment for a piercing procedure and during the procedure. Vinyl gloves are not permissible.
- (2) Before the procedure begins, all utensils to be used in the body piercing must be placed on a medical grade liner that is placed on a disinfected surface.
- (3) Only a commercially packaged, single-use, pre-sterilized piercing needle shall be used and disposed of immediately after use into a puncture proof, autoclavable container, or disposable biohazard container. No approved tool may be modified and used for anything other than its intended use. Expired, breached needle packages or needle packages that have been allowed to become wet may not be re-sterilized and must be discarded.
- (4) Pre-sterilize all forceps, hemostats, calipers, and tubes in sealed, properly labeled, sterile indicator bags. These items are to be used on one person, in one sitting. After one such use, they must be cleaned in an ultrasonic cleaner, placed in sealed indicator bags, properly labeled, autoclaved and stored in sterile indicator bags.
- (5) Sterilized instruments shall remain in sterile packages until opened in front of the client.
- (6) Single-use towels or gauze shall be used in preparing the piercing site and shall be disposed of after use on each patron or client.
- (7) If shaving is necessary, single-use disposable razors shall be used and discarded between clients and as otherwise needed.
- (8) After shaving the area to be pierced, or if the area does not need to be shaved, the piercing site shall be thoroughly cleaned with a germicidal solution used in accordance with manufactures label instructions.
- (9) In the case of oral piercings, the operator shall provide the individual with antimicrobial mouthwash in a single-use cup. The operator shall ensure that the individual utilizes the mouthwash provided and

rinses for a minimum of thirty (30) seconds prior to the procedure. In the case of a lip, labret, or cheek piercing, procedures described in this section for both skin and oral piercings shall be followed.

.20 Body Art After Care.

- (1) The completed tattoo shall be washed with a single-use towel saturated with an antimicrobial solution.
- (2) After the area has dried, apply a layer of antibacterial ointment or other approved product from a single-use collapsible or plastic tube.
- (3) A sterile bandage or dressing shall then be applied to the tattoo using a sealed non-sticking pad or wrap.
- (4) Verbal and written instructions, approved by the Health Authority for the care of the body art procedure site shall be provided to each client by the operator upon completion of the procedure. The written instruction shall include, at a minimum: what to do, what to avoid, suggested care solutions/over-the-counter balms or treatments, cleaning instructions, and what to look for during the healing process. The written instructions shall advise the client to consult a physician at the first sign of infection and will contain the name, address and phone number of the establishment. The instructions will also list the name, address and phone number of the Environmental Health Section of the Health Department advising the client to call with questions regarding the facility. The document shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records for a minimum of three (3) years after the procedure.
- (5) Use either one or both of the following after care solutions for body piercing:
 - (a) Packaged sterile saline solution with no additives (read the label) or non-iodized sea salt mixture.
 - (b) Liquid anti-microbial or germicidal soap.

.21 Disinfection of Workplace.

- (1) Each body art studio must be kept clean and sanitary. The owner must develop and implement a written cleaning schedule that includes appropriate methods of decontamination and tasks or procedures to be performed.
- (2) This written schedule must be based on the location within the studio, the type of surfaces to be cleaned, type of possible contamination present, the tasks or procedures to be performed, and their location within the studio.
- (3) The following procedures should be adhered to:
 - (a) A Body Artist shall only conduct body art activities under sanitary conditions.
 - (b) Clean and sanitize all equipment and work surfaces with an appropriate EPA-registered disinfectant after completion of the body art procedures and at the end of the work shift or when surfaces have become contaminated since the last cleaning.
 - (c) Remove and replace protective coverings after each body art procedure.
 - (d) Inspect and sanitize, on a daily basis, reusable receptacles such as bins, pails, and cans that have the likelihood of becoming contaminated. When contamination is visible, clean and sanitize receptacles immediately.

.22 Disposal of Biomedical Waste.

- (1) Needles, razors, or other sharp instruments used during body art procedures, shall be placed in puncture-resistant, closed containers immediately after use, handled and disposed of according to the provisions of this Rule.

- (2) Used needles shall not be purposely bent or broken, or otherwise manipulated by hand.
- (3) Containers of sharp waste shall be sent to a facility where they are either incinerated, rendered non-hazardous, or deposited in a landfill approved to accept biomedical waste in compliance with Georgia Department of Natural Resources – Environmental Protection Division – Solid Waste Management – Chapter 391-3-4.15.
- (4) Contaminated waste, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled, must be placed in a sealed bag. It must then be disposed of in compliance with Georgia Department of Natural Resources – Environmental Protection Division – Solid Waste Management – Chapter 391-3-4.15.
- (5) Waste containers shall be kept closed when not in use.
- (6) Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.
- (7) At least one covered waste receptacle shall be provided in each operator area. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly or more often if necessary. All refuse containers shall be covered and maintained.
- (8) Solid waste shall not be stored outdoors unless in a secured and lidded dumpster, or comply with County/City Solid Waste Ordinances.

.23 Inspections.

- (1) The studio and all its records shall be available for review and examination by properly identified representatives of the Health Authority.
- (2) A copy of the most recent inspection report shall be displayed in a conspicuous location within fifteen (15') of the front or primary public door and between five feet (5') and seven feet (7') from the floor and in an area where it can be read at a distance of one foot (1') away, or if this is impractical, in an area prescribed by the Health Authority.
- (3) Representatives of the Health Authority, after proper identification, shall be permitted to enter any body art facility or operation at any reasonable time as determined by the Health Authority for the purpose of making inspections and review of pertinent records to determine compliance with this Rule. Should access be denied, an inspection warrant may be obtained as authorized in O.C.G.A. § 31-5, Article 2.
- (4) Body Art Facilities shall be subject to inspection at reasonable hours no less than twice annually and as often as is deemed necessary by the Health Authority to ensure adequate compliance with the provisions of these rules. The permit holder is responsible for providing a person at the time of inspection who is authorized and able to provide access to all rooms, facilities and records of the body art facility and who can demonstrate that there is sufficient daily oversight of employees and routine monitoring of operations.
- (5) If a person denies access to the Health Authority, the Health Authority shall:
 - (a) Inform the person that:
 - (1) The permit holder is required to allow access to the Health Authority,
 - (2) Access is a condition of the acceptance and retention of a body art establishment's permit to operate, and
 - (3) If access is denied, an inspection warrant, issued by the appropriate authority to order access, may be obtained according to law; and
 - (b) Make a final request for access.

- (6) Representatives of the Health Authority who conduct inspections of body art establishments must complete an OSHA approved Blood borne Pathogens/ Universal Precautions training.
- (7) Inspection results - Reporting and Scoring.
 - (a) Inspection results for body art establishments shall be recorded on standard forms provided by the Health Authority.
 - (b) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of five (5) points, with minor violations having assigned values of either one (1) or two (2) points.
- (8) Violation Correction. The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).
 - (a) Correction of imminent health threats, critical violations shall be corrected immediately, and minor violations within seventy-two (72) hours, and ten (10) calendar days, respectively.
 - (b) Upon declaration of an imminent health hazard which cannot be immediately corrected, the local Health Authority shall issue an order requiring the facility to immediately cease operations until authorized to reopen.
 - (c) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Health Authority may agree to or specify a longer time frame, not to exceed ten (10) calendar days after the inspection, for the permit holder to correct violations.
 - (d) Failure to correct these violations to the satisfaction of the Health Authority may result in such emergency action as deemed necessary by the Health Authority including actions pursuant to O.C.G.A. § 31-5-2; § 31-5-9(a).
 - (e) In the case of temporary body art facilities, all critical violations shall be corrected immediately or provisions made to satisfy the violation until complete correction can be made within twenty-four (24) hours. If critical violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease operations until authorized to resume by the Health Authority or its duly authorized representative. Upon declaration of an imminent health hazard which cannot be immediately corrected, the Health Authority shall issue an order requiring the facility to immediately cease operations until authorized to reopen.
 - (f) Follow up inspections when required will be performed within a forty-five (45) day period.
- (9) Inspection Frequency.
 - (b) The Health Authority shall conduct one or more construction inspections for newly constructed or extensively remodeled establishments to verify that the body art establishment is constructed and equipped in accordance with the approved plans and specifications, and is in compliance with law and this Rule. In addition, the Health Authority may conduct one or more preoperational inspections to verify compliance with the construction and equipment requirements of this Rule at the time of a change in the permit holder of an existing body art establishment.
 - (c) An initial inspection will be conducted in an establishment prior to the body art permit being issued.
 - (d) To allow the permit holder of the body art establishment sufficient time to fully train employees and ensure the facility has implemented all written procedures, the first routine inspection will be conducted within sixty days after the opening of the establishment; and it will mark the beginning of the establishment's compliance history with this Rule.

- (e) After the first routine inspection, establishments maintaining an “A” score shall be inspected based on the minimum inspection frequency established by this Rule.
- (f) Establishments that receive a “C” or “U” score will have at least one additional routine inspection added in a twelve-month period, and may have more inspections at the discretion of the Health Authority.
- (g) Follow-up inspections may be conducted at any time at the discretion of the Health Authority, but must be conducted within ten days after an establishment receives a grade “U”.

- (10) Grading Inspections. Inspections will receive a letter grade based on the numerical score as follows:
- 1. “A”. The letter grade “A” means the majority of the Rule is met and is applied to a score of 90 to 100.
 - 2. “B”. The letter grade “B” means satisfactory compliance and is applied to a score of 80 to 89.
 - 3. “C”. The letter grade “C” means marginal compliance and is applied to a score of 70 to 79.
 - 4. “U”. The letter grade “U” means unsatisfactory compliance and is applied to a score of 69 or less.

- (10) Informal Follow-up Inspection. If a follow-up inspection cannot be conducted by the Health Authority, then an informal follow-up may be performed to confirm correction of the violations that were cited on the routine inspection that were not corrected at the time of the inspection. On an informal follow-up inspection, an inspection report addendum(s) will be completed, documenting the violations that have been corrected. It will be noted on the addendum(s) that this was an informal follow-up inspection, and the establishment will keep the same grade that was earned on the previous routine inspection. The addendum(s) will be made available by the body art establishment to the public upon request.

- (11) Upon the completion of the inspection, the Health Authority shall have the person in charge sign the inspection report form. The person in charge’s signature shall not necessarily indicate agreement with the findings noted on the inspection.

- (a) The Health Authority shall:
 - 1. Inform a person who declines to sign an acknowledgment of receipt of inspection findings that:
 - (I) An acknowledgment of receipt is not an agreement with findings,
 - (II) Refusal to sign an acknowledgment of receipt will not affect the permit holder’s obligation to correct the violations noted in the inspection report within the time frames specified, and
 - (III) A refusal to sign an acknowledgment of receipt is noted in the inspection report and conveyed to the Health Authority’s historical record for the body art establishment; and
 - a. Make a final request that the person in charge sign an acknowledgment receipt of inspectional findings.

- (12) Failure to make timely corrections to the satisfaction of the Health Authority may subject the body art establishment to suspension or revocation of its permit pursuant to this Rule.

- (a) The Health Authority may approve a compliance schedule that extends beyond the time limits specified under (8) of this subsection if a schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

- (13) Voluntary Closure. A body art establishment will be requested to voluntarily close if:

- a. The facility is graded with two critical violations
- b. The facility is graded as a “U” on two consecutive inspections
- c. The facility is graded as a “U” and does not earn at least a grade of “C” within ten days of receiving the U
- d. The facility does not correct minor violations within seventy-two (72) hours (if allowed) of receiving inspection report

Facility will be requested to voluntarily close until all violations are corrected and/or have enforcement action taken to suspend or revoke the establishment’s permit according to this Rule.

.24 Implementation, Enforcement, Penalty.

- (1) The administration and enforcement of these rules and regulations shall be as prescribed in O.C.G.A. § 31-5. The Board of Health shall have the power and authority to suspend or revoke permits for failure to comply with the provisions of this Rule. Implementation of these rules and regulations shall begin 1 month (30 days) after the effective date.
- (2) No person, firm, partnership, joint venture, association, business trust, corporation, or organized group shall operate a body art establishment or conduct body art activities without a valid permit from the Health Authority. Any person who fails or refuses to comply shall be subject to an injunction or other penalties from a court of jurisdiction.
- (3) **Suspension or Revocation of Permits.** The Health Authority shall have the power and authority to suspend or revoke a permit if the owner or operator of a body art establishment is unwilling or unable to comply with these regulations, the regulations of the local Health Authority, or the provisions of O.C.G.A. Title 31-28-1 et seq.
 - (a) An owner or operator shall be presumed unwilling or unable to comply if he or she refuses to allow the Health Authority to enter upon and inspect the premises of the Body Art Establishment at any reasonable time and in a reasonable manner, or if any critical violation is found to be uncorrected upon the two consecutive inspections, or upon continuous violation of other rules in the Rule.
- (4) **Conditions Warranting Action.** The Health Authority may summarily suspend a permit to operate a body art establishment if it determines through inspection, or examination of employees, records, or other means as specified in this Rule, that an imminent health hazard exists.
- (5) **Resumption of Operations.** If operations of a body art establishment are discontinued due to the existence of an imminent health hazard, voluntary closure, or otherwise according to law, the permit holder shall obtain approval from the Health Authority before resuming operations.
- (6) **Penalty.** Any person who violates any provision of this Article or any rule or regulation promulgated under O.C.G.A. § 31-40 by the Health Authority shall be guilty of a misdemeanor.

.25 Variance.

- (1) **Modifications and Waivers.** The Forsyth County Board of Health may grant a variance by modifying or waiving the requirements of this Rule if in the opinion of the Health Authority a health hazard or nuisance will not result from the variance, Variance request cannot be contrary to the public interest, public health and/or safety of the clients.
- (2) **Documentation of Proposed Variance and Justification.** Before a variance from a requirement of this Rule is considered, the information shall be provided in writing on forms provided by the Health Authority detailing the basis upon which the request is made by the person requesting the variance and will include:

- (a) A statement of the proposed variance of the Rule requirement citing relevant rule and subsection numbers;
- (b) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant rules and subsections will be alternatively addressed by the proposal; and
- (c) All supporting documentation as it is relevant to the variance requested.

.26 Severability.

If any provision or subpart thereof contained in this Body Art Regulation is found to be invalid, unconstitutional, or in conflict with O.C.G.A. or a court of competent jurisdiction, the validity of all remaining provisions or subpart thereof shall not be so affected but shall remain in full force and effect.

Effective Date

These Rules and Regulations shall become effective 30days after adoption.

Adopted: September 25, 2018 by the Forsyth County Board of Health

Board Member: _____

Board Member: _____

Board Member: _____

Board Member: _____

Board Member: _____

Board Member: _____

Board Member: _____