

SAFE BODY ART ACT (AB 300)

Frequently Asked Questions

Question 1: Is there a law regarding body art practitioners and body art facilities?

Answer: YES, AB 300 - The Safe Body Art Act – California Health and Safety Code Section 119300 et seq. requires that all body art practitioners and body art facilities be registered and permitted by July 1, 2012.

Body Art Practitioner

Health and Safety Code Section 119306:

- (a) A person shall not perform body art at any location other than a permitted permanent or temporary body art facility.*
- (b) A person shall not perform body art if he or she is not registered with the local enforcement agency.*
- (c) As a condition of registration, the applicant shall provide all of the following:*
 - (1) Evidence of current hepatitis B vaccination, including applicable boosters, unless the practitioner can demonstrate hepatitis B immunity or has complied with current federal OSHA hepatitis B vaccination declination requirements.*
 - (2) Evidence of completion of OSHA Bloodborne Pathogen Training consistent with Section 119307 and pursuant to paragraph (2) of subdivision (g) of Section 5193 of Title 8 of the California Code of Regulations or its successor.*
 - (3) Proof that he or she is 18 years of age or older.*
 - (4) Self-certification of, knowledge of, and commitment to meet state law and relevant local regulations pertaining to body art safety.*
 - (5) His or her business address and the address at which he or she will perform any activity regulated by this chapter.*
 - (6) Payment of a registration fee directly to the local enforcement agency.*

Body Art Facility

Health and Safety Code Section 119312:

- (a) A body art facility shall not conduct business without a valid health permit.*
- (b) No body art facility shall allow a practitioner who does not possess a valid practitioner registration to perform body art procedures at the facility.*
- (c) An owner of a body art facility shall notify the local enforcement agency in writing within 30 days of the resignation, termination, or new hire of a body art practitioner at the body art facility.*
- (d) The application for a health permit for a body art facility shall include all of the following:*
 - (1) A copy of the facility's infection prevention control plan, as required by Section 119313.*
 - (2) A fee, as set by the local enforcement agency at an amount not to exceed the amount necessary but that is sufficient to cover the actual costs of administration of the program. Fees established by this section shall be used exclusively in support of activities pursuant to this chapter.*

Full text of AB 300, as enacted, may be viewed at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1168

Question 2: Are there Registration / Permit fees?

Answer: Yes, the annual registration for practitioners is \$41 and the annual permit fee for facility owners is \$176.

Applications and fees shall be mailed to:

**County of Fresno
Department of Public Health
Environmental Health Division
P.O. Box 11867
Fresno, CA 93775**

Question 3: What if you are a practitioner and owner of a body art facility? Do I pay for both fees?

Answer: As a practitioner and owner of a body art facility you are required to pay both the registration and facility permit fee.

Question 4: What do I need to submit with my practitioner application?

Answer: Practitioners are required to provide/submit the following documents along with their application and fees, as specified in section 119306 (refer to Question #1)

1. Verification of completed OSHA ,Body Art Specific, Bloodborne Pathogen Training
2. Hepatitis B Vaccination Status
3. Copy of Photo ID

Question 5: What do I need to submit with my facility application?

Answer: Body art facility owners are required to provide/submit an "Infection Prevention Control Plan" for *REVIEW* and *APPROVAL* along with their application, as specified in section 119312

Question 6: What is the specific training requirement for body art practitioners?

Answer: A practitioner is required to undergo no less than two hours of a Bloodborne Pathogens Exposure Control training prior to registering with the local health department. This training must be provided by a person "knowledgeable in exposure control and infection prevention in the body art setting and who are approved by the local enforcement agency in accordance with the provisions of this section.". The content of the training is further described in California Health and Safety Code Section 119307

Health and Safety Code Section 119307:

- (a) Prior to registering with the local enforcement agency, a practitioner shall complete a Bloodborne Pathogens Exposure Control Training program that is specific to his or her practice.*
- (b) An owner shall provide Bloodborne Pathogens Exposure Control Training pursuant to the requirements of paragraph (2) of subdivision (g) of Section 5193 of Title 8 of the California Code of Regulations, or its successor, for all employees, contractors, and volunteers who perform duties within the decontamination and sterilization area or procedure area.*

- (c) *The Bloodborne Pathogens Exposure Control Training shall meet all of the following criteria:*
- (1) *Training shall be conducted by a person or persons who are knowledgeable in exposure control and infection prevention in the body art setting and who are approved by the local enforcement agency in accordance with the provisions of this section.*
 - (2) *Training and training materials shall be specific to performing body art.*
 - (3) *Training shall consist of not less than two hours of instruction that includes all of the following:*
 - (A) *A copy and explanation of the California Occupational Safety and Health Administration Bloodborne Pathogens Standard contained in Section 5193 of Title 8 of the California Code of Regulations, or its successor.*
 - (B) *A copy and explanation of applicable county, city, or city and county ordinances that pertain to bloodborne pathogen transmission control in body art.*
 - (C) *Discussion of transmission, control, and symptoms of the diseases caused by bloodborne pathogens.*
 - (D) *Discussion of tasks involved in performing body art and how those tasks may lead to exposure to bloodborne pathogens for the client or practitioner.*
 - (E) *Discussion of the types and uses of personal protective equipment, such as disposable gloves, including an explanation of the limitations of the equipment.*
 - (F) *Discussion of the types of tasks, proper task technique, and order of tasks before and after putting on and removing personal protective equipment, to avoid contamination.*
 - (G) *Discussion of the importance of hand hygiene and a demonstration of proper hand hygiene techniques.*
 - (H) *Discussion of choice, use, and storage of disinfectants and antiseptics.*
 - (I) *Information on the signage required for biohazard materials and the importance of properly labeling chemicals and supplies.*
 - (J) *Information on hepatitis B vaccine, including safety and accessibility.*
 - (K) *Discussion of what constitutes a bloodborne pathogen exposure incident, including all of the following:*
 - (i) *Examples of bloodborne pathogen exposure, how the exposure occurred, and what actions to take to prevent or minimize future exposures.*
 - (ii) *Risk of infection following a bloodborne pathogen exposure incident.*
 - (iii) *Procedures to be followed after an exposure incident, including medical followup.*
 - (L) *Opportunities for interactive questions and answers with the instructor.*
- (d) *Each person required to complete a Bloodborne Pathogens Exposure Control Training program pursuant to this section shall annually complete a minimum of two hours of Bloodborne Pathogens Exposure Control Training update presented by a trainer eligible pursuant to paragraph (1) of subdivision (c).*
- (e) *Records of training required pursuant to this section shall be maintained for three years and shall be available for inspection upon request of the enforcement officer.*

Question 7: Does this training have to be provided in-person or can it be provided online?

Answer: The law allows for in-person or online training that meets the other requirements described above

Question 8: Are there requirements for the floor plan/layout of a Body Art facility?

Answer: YES, as specified in Sections 119314 (a). Body art facility must comply with the following:

(a) With the exception of a temporary demonstration booth, as specified in Sections 119317 and 119318, a body art facility shall comply with all of the following:

- (1) Have floors, walls, and ceilings.*
- (2) Have floors and walls that are smooth, nonabsorbent, free of open holes, and washable.*
- (3) Be free of insect and rodent infestation.*
- (4) Be separate from any residential areas used for sleeping, bathing, or meal preparation. A body art facility associated with a residential dwelling shall have a separate entrance and toilet facility, and shall not have a door allowing direct access between the body art facility and the residential dwelling.*
- (5) Have adequate toilet facilities, in accordance with the specifications of the State Building Standards Code, local building standard codes, and any other local ordinance. The sink shall be supplied with hot and cold running water, containerized liquid soap, and single-use paper towels that are dispensed from a wall-mounted, touchless dispenser.*

(b) Procedure areas in a body art facility shall meet all of the following standards:

- (1) Be equipped with a light source that provides adequate light at the procedure area.*
- (2) Be separated, by a wall or ceiling-to-floor partition, from nail and hair activities.*
- (3) Be separated from all business not related to body art, at the discretion of the local enforcement agency.*
- (4) Be equipped with a sink supplied with hot and cold running water, containerized liquid soap, and single-use paper towels that are dispensed from a wall-mounted, touchless dispenser that is accessible to the practitioner.*
- (5) All sinks shall be permanently plumbed and meet local building and plumbing codes. Facilities that were issued a permit prior to January 1, 2014, shall have until July 1, 2014, to comply with this section.*
- (6) All counter surfaces and service trays shall have a smooth, durable, and nonabsorbent finish.*

(c) Decontamination and sterilization areas within a body art facility shall meet all of the following requirements:

- (1) Be separated from procedure areas by a space of at least five feet or by a cleanable barrier.*
- (2) Be equipped with a sink, hot and cold running water, containerized liquid soap, and single-use paper towels dispensed from a wall-mounted, touchless dispenser that is readily accessible to the practitioner.*

(d) Each procedure area shall have lined waste containers.

(e) Each procedure area shall have a sharps waste container that meets the following requirements:

- (1) The sharps waste container shall be portable, if portability is necessary to ensure that the sharps waste container is within arm's reach of the practitioner.*
- (2) The sharps waste container shall be labeled with the words "sharps waste" or with the international biohazard symbol and the word "BIOHAZARD."*

- (3) All sharps waste produced during the process of tattooing, body piercing, or the application of permanent cosmetics shall be disposed by either of the following methods:*
- (A) Removal and disposal by a licensed waste hauler. Materials shall be disposed of at a licensed treatment facility or removed and transported through a mail-back system authorized by the State Department of Public Health.*
 - (B) As solid waste, after being disinfected by a method approved by the department pursuant to paragraph (3) of subdivision (a) of Section 118215.*
- (4) Documentation of proper disposal of sharps waste shall be maintained for three years and shall be available for inspection at the request of the enforcement officer.*

(f) No animals shall be allowed in the procedure area or the decontamination and sterilization area except service animals, as defined by the federal Americans with Disabilities Act.

Question 9: Are there construction requirements for a new body art facility or remodel?

Answer: Yes, all requirements, as specified in sections 119314a (refer to Question #10), must be met, and before constructing, enlarging, remodeling, or converting any building/space for use as a body art facility, at least two (2) sets of complete plans must be submitted to this Department for *REVIEW* and *APPROVAL*.

Body Art Applications and additional information regarding the Safe Body Art Act may be viewed at www.fcdph.org or contact the Department of Public Health, Environmental Health Division at (559) 600-3357.