Rules and Regulations - **Body Art**
Chapter 511-3-8

Effective: 10/06/2023

GEORGIA DEPARTMENT OF PUBLIC HEALTH

RULES OF THE
DEPARTMENT OF PUBLIC HEALTH

CHAPTER 511-3
ENVIRONMENTAL HEALTH HAZARDS

SUBJECT 511-3-8
BODY ART

511-3-8-.01	**Authority**
511-3-8-.02	**Purpose**
511-3-8-.03	**Applicability**
511-3-8-.04	**Definitions**
511-3-8-.05	**Permits**
511-3-8-.06	**Employee Files**
511-3-8-.07	**Body Artist Certification and Decertification**
511-3-8-.08	**Client Files**
511-3-8-.09	**Minimum Design Standards**
511-3-8-.10	**Furnishings and Fixtures**
511-3-8-.11	**Supplies**
511-3-8-.12	**Health and Hygiene**
511-3-8-.13	**Instrument Cleaning and Sterilization**
511-3-8-.14	**Dyes and Pigments**
511-3-8-.15	**Tattoo Procedures**
511-3-8-.16	**Piercing Jewelry**
511-3-8-.17	**Body Piercing Procedures**
511-3-8-.18	**Body Art After Care**
511-3-8-.19	**Disinfection of Workplace**
511-3-8-.20	**Disposal of Biomedical Waste**
511-3-8-.21	**Signage**
511-3-8-.22	**Inspections**
511-3-8-.23	**Compliance and Enforcement**
511-3-8-.24	**Fees**

511-3-8-.01 Authority

The legal authority for this Chapter is Chapter 31-40 of the Official Code of Georgia Annotated.

Authority: O.C.G.A. § 31-40-1 et seq.

511-3-8-.02 Purpose

The purpose of this Chapter is to establish reasonable standards for individuals performing body art procedures and for the facilities in which those 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 studios wherein Body Art activities are to be performed and contain enforcement provisions including revocation of the certification of any person or permit of any studio deemed in violation of this Chapter.

Authority: O.C.G.A. § 31-40-1 et seq.

511-3-8-.03 Applicability

(1) These regulations do not apply to a physician or osteopath licensed under O.C.G.A. Chapter 34 of Title 43, or to a technician acting under the direct supervision of such licensed physician or osteopath.

(2) Individuals who pierce only the lobe of the ear (and not the ear cartilage, nose or eyebrows, etc.) with a pre-sterilized single-use stud-and clasp ear piercing system are exempt from these regulations, provided that such ear-piercing systems conform to the manufacturer's directions on use and applicable FDA requirements.

(3) The Department and the applicable Health Authority retain the authority to investigate consumer complaints and outbreaks relating to the alleged misuse or improper disinfection of ear-piercing systems.

(4) These rules shall take effect six months after official posting by the Secretary of State.

Authority: O.C.G.A. §§ 31-40-1; 31-40-6.

511-3-8-.04 Definitions

(1) "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 FDA; when referring to antimicrobial mouthwash, only those approved for use may be allowed in the studio, such as hydrogen peroxide, alcohol-based solution and others commonly found in hospital or dental settings.

(2) "Antiseptic" means an agent or substance that will destroy or inhibit the growth and development of infectious microorganisms on human skin or mucous membranes.

(3) “Aseptic technique” means to render or maintain free from infectious material so as to prevent transfer or transmission of infectious agents.

(4) “ASTM” means the American Society for Testing Materials International.

(5) “Autoclave” means an apparatus (chamber or cassette) for sterilization of equipment utilizing steam pressure at a specific temperature over a period of time per manufacturer’s specifications. For the purposes of this Chapter, all chamber and cassette autoclaves shall be Class B, Class S, or other medical grade autoclave as specified by manufacturer for sterilization of body art equipment and jewelry.

(6) “Biomedical waste” means 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, suctioning, and other body fluids which contains free liquids and cannot be or are not directly discarded into a municipal sewer system. The term does not include materials, such as wipes or paper towels, containing small amounts of blood or body fluids that would not drip if the material were compressed;

(c) Sharps, which means any discarded article that may cause punctures or cuts, such as needles and razor blades; and

(d) Discarded equipment and parts, excluding expendable supplies and materials included in paragraphs (a) through (c) of this subsection, which have not been decontaminated, and which were in contact with infectious agents.

(7) “Blood” means human blood, human blood components, and products made from human blood.

(8) “Bloodborne 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).

(9) “Board of Health” means the local County Board of Health or Health Authority.

(10) “Body art” means a tattoo or piercing placed on the body of a person for aesthetic or cosmetic purposes. 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.

(11) “Body artist” means any person who performs body art. Such term shall not include 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.

(12) “Body artist certification” means a certification issued by the Department 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 studio.

(13) “Body Art Advisory Committee” means a committee that may be established by the Department to provide technical guidance on the practice of body art. If established, the committee shall be composed of one individual from the state environmental health program, one District Environmental Health Director, one County Environmental Health Specialist, one person with infection control training, and two members of the body art profession with current certification.

(14) “Body Art Studio” means any facility or building on a fixed foundation wherein a body artist performs body art, whether or not for profit.

(15) “Body Art Studio permit” means Health Authority approval in writing authorizing the permit holder to operate a Body Art Studio 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, and the following types of Body Art Studio permits shall be issued: tattoo, body piercing, and microblading.

(16) “Body piercing” means puncturing or penetrating the skin or mucosa of a client for the purpose of inserting jewelry or other adornment into the body for non-medical purposes; body piercing includes ear piercing, except when ear piercing procedure is performed with a pre-sterilized single-use stud and clasp ear-piercing system (Piercing Gun) conforming to the manufacturer’s directions on use and applicable FDA requirements.

(17) “Cleaning/clean room” means the area in a Body Art Studio 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 studio by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of eight feet.

(18) “Client” means an individual upon whom one or more body art procedures are to be performed.

(19) “Contaminated” means the presence or the reasonably anticipated presence of blood, other potentially infectious materials, or potentially harmful chemicals on an item or surface.

(20) “Contaminated waste” means 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.

(21) “Convention” means a large meeting of people who gather to talk about their shared work or other interests or to make decisions as a group or to perform body art procedures, such as an industry trade show.

(22) “Cosmetic tattoo” means a tattoo, by someone other than a licensed physician, which includes but is not limited to microblading of the eyebrow, lips, and other parts of the body for beauty marks, hair imitation, or areola repigmentation. This term includes any procedures whether referred to as but not limited to, microdermapigmentation, micropigment implantation, micro-needling with the use of pigment or any other similar procedure and for the purpose of this Chapter has the same meaning as “tattoo.”

(23) “Critical violation” means a violation of this Chapter which poses a serious hazard to health and safety. Critical violations shall include but not limited to the following:

(a) Autoclave does not meet minimum time, pressure, or temperature requirements, or written standard operation procedures are not established or approved by the Health Authority;

(b) Lack of a negative spore test on a minimum frequency of every 40 hours of operation of the autoclave but not less than on a monthly basis;

(c) Non-disposable tubes and needles are not sterilized, 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 to prevent contamination;

(g) Body artists with exposed infectious lesions on hands and arms not restricted from body art procedures;

(h) Body artists and employees not practicing proper cleanliness and good hygienic practices;

(i) Water supply not approved, hot and cold running water under pressure not available, or written emergency procedure for water not established before or approved for a studio operating during an interruption of water;

(j) Cross connection allowing back-siphonage present in plumbing system;

(k) Hand washing facilities not available or accessible for body artists and employees;

(l) Toxic items not properly stored, labeled, or used;

(m) Prohibited procedures performed within the studio; and

(n) Non-certified artist performing procedures.

(24) “Decontamination” means the use of physical or chemical means to remove, inactivate, or destroy bloodborne 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.

(25) “Department” means the Georgia Department of Public Health or its agents.

(26) “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.

(27) “Disinfection” means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

(28) “Easily cleanable” means that surfaces are readily accessible and made of such materials and finish and so fabricated to be smooth and non-absorbent such that residue may be effectively removed by normal cleaning methods.

(29) “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 circumstance shall ear piercing studs and clasp be used anywhere on the body other than the lobe of the ear unless otherwise specified by the manufacturer.

(30) “EPA” means the United States Environmental Protection Agency.

(31) “EPD” means the Georgia Department of Natural Resources, Environmental Protection Division.

(32) “Equipment” means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other items used in connection with the operation of a Body Art Studio.

(33) “FDA” means the United States Food and Drug Administration.

(34) “Germicidal solution” means any solution which destroys microorganisms and is so labeled.

(35) “Gloves” means medical grade disposable single use gloves labeled for surgical or examination purposes. Vinyl gloves are not allowed to be used to perform body art procedures.

(36) “Guest body artist” means a visiting body artist, tattooist, body piercer, or microblader, not certified by the Department possessing a guest body artist permit issued by the Health Authority to perform body art in a permitted Body Art Studio.

(37) “Guest body artist permit” means a seven-day permit by the Health Authority which allows a person to practice body art as a tattoo artist, body piercer, or microblader, in accordance with this Chapter while under the direct supervision of a body artist holding a valid Body Artist Certification in the same category.

(38) “Handwash facilities” means an installed sink/lavatory providing an adequate supply of potable hot and cold running water under pressure, through a mixing valve or combination faucet, 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.

(39) "Handwashing sink” means a lavatory or plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands in the facility, including an automatic handwashing facility.

(40) “Health Authority” means the local County Board of Health

(41) “Hot water” means water that attains and maintains a minimum temperature of 100°F.

(42) “Imminent health hazard” means any condition, deficiency, or practice which, if not corrected, is very likely to result in disease transmission, serious 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 or more hours, sewage malfunction, misuse of poisonous or toxic materials, onset of an apparent bloodborne illness outbreak, serious injury, gross unsanitary occurrence or condition, or other circumstances that may endanger public health, then operations must be immediately discontinued, and the Health Authority must be notified.

(43) “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.

(44) “ISO” means the International Standards Organization.

(45) “Jewelry” means any ornament used in any body art procedure which is inserted into a newly pierced area and meets the following minimum requirements:

(a) Steel that is ASTM F138 compliant or ISO 5832-1 compliant.
[Note: The EEC Nickel Directive is a regulation that requires a low rate of nickel release for all materials used for costume or fine jewelry, belt buckles, watches, or other metallic accessories with direct skin contact. It does not specify nor prove that a material is safe to wear in the body; therefore, compliance with this directive alone is not sufficient for meeting the APP initial jewelry standards.]

(b) Steel that is ISO 10993-6, 10993-10 and/or 10993-11 compliant.

(c) Unalloyed titanium that is ASTM F67 or ISO 5832-2 compliant.

(d) Alloyed Titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant.

(e) Alloyed Titanium (Ti6Al7Nb ELI) that is ASTM F1295 compliant or ISO 5832-11 compliant.

(f) Polytetrafluoroethylene (PTFE) that is ASTM F754 compliant.

(g) Any polymer or plastic material that is ISO 10993-6, 10993-10 or 10993-11 compliant and/or meets the United States Pharmacopeia (USP) Class VI material classification.

(h) Solid 14 karat or higher yellow, white, or rose gold that is nickel and cadmium free.

(i) Gold jewelry used for initial piercing may not be:

1. Plated, unless using materials approved by this standard over solid 14 karat or higher yellow, white, or rose gold that is 14k or higher, or white rhodium.

2. Gold-filled

3. Gold overlay/vermeil

(j) Solid unalloyed or alloyed platinum that is cadmium, nickel, and lead free.

(k) Unalloyed Niobium (Nb) that is ASTM B392 compliant. This includes but is not limited to:

1. Commercial grade 2 Niobium

2. Commercial grade 4 Niobium that contains 1% Zirconium

(l) Glass that is lead free. This includes but is not limited to:

1. Fused quartz

2. Borosilicate

3. Soda-lime

(m) All threaded or press-fit jewelry used for initial piercing must have internal tapping (no threads on exterior of posts and barbells).

(n) For body jewelry purposes, surfaces and ends must be smooth and free of nicks, scratches, burrs, stamps, hallmarks, polishing compounds, and other potentially harmful residues.

(o) Metals must have a consistent mirror finish on surfaces that frequently come in contact with tissue.

(p) All jewelry used for initial piercing on people above the age of twelve must be ASTM F2999 compliant.

(q) All jewelry used for initial piercing on people age twelve and under must be ASTM F2923 compliant.

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

(46) "Major structural modifications" means modifications in which the resulting structure differs significantly from what was originally approved by the Health Authority at the time of the Health Authority's issuance of the permit, including, but not limited to changes involving the addition, removal, or relocation of structurally existing walls, openings, floor or counters; or modifications to plumbing, mechanical, or electrical components other than decorative fixtures. It does not include minor cosmetic changes such as painting, moving equipment for detailed cleaning, detailed cleaning of physical facilities, replacing carpeting in the lobby area, or repairing damage to walls, floors, and ceilings.

(47) "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 or machine powered 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.

(48) "Minor" means an individual under the age of eighteen.

(49) "NSF" means the National Sanitation Foundation.

(50) "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of a body artist's or employee's duties.

(51) "OSHA" means the Occupational Safety and Health Administration.

(52) "Other potentially infectious material" means the following human body fluids: semen, vaginal secretions, saliva, and any other body fluid visibly contaminated with blood.

(53) "Permit" means Health Authority approval in writing authorizing the permit holder to operate a Body Art Studio for the purpose of engaging in the practice or business of body art procedures.

(54) “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.

(55) “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.

(56) “Personal protective equipment” means specialized clothing or equipment, such as gloves or lap cloth, worn by a body artist or 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.

(57) “Physician” or “osteopath” means an individual licensed to practice medicine in Georgia pursuant to OCGA Chapter 34 Title 43.

(58) “Pierce” or “piercing” means body piercing.

(59) “Potable water” means water that is from an approved water system meeting Georgia Safe Drinking Water Standards

(60) “Proof of age” means any government issued State Driver's License, Military ID, Passport or US Passport Card, or State-Issued ID Card that describes the individual as eighteen years of age or older as applicable, contains a photograph and appears to be valid.

(61) “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.

(62) “Sanitary” means clean and free of agents of infection or disease.

(63) “Sanitized” means the application of an 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 instruments and equipment in accordance with the label instructions.

(64) “Sewage” means human excreta, all water-carried waste, and liquid wastes from residences, buildings, commercial or industrial establishments.

(65) “Sharps” means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa.

(66) “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 and specifically made for the disposal of sharps.

(67) “Single-use” or “single-service” 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.

(68) “Solid waste” means refuse, garbage, trash, rubbish, and any other item which could cause an unsanitary condition or undesirable health and safety conditions.

(69) “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.

(70) “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.

(71) “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, Class S, or other medical grade autoclave according to manufacturer’s instructions as approved by the Health Authority.

(72) “Sterilization 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.

(73) “Sterilizer” means an autoclave certified to meet generally accepted medical standards. See Autoclave.

(74) “Tattoo” means to mark or color the skin of any person by pricking in, inserting, or implanting indelible pigments or dyes under the skin, including without limitation cosmetic tattooing and microblading of the eyebrow.

(75) “Temporary Body Art Studio” means any location, place, facility, or business for which a permit has been granted to practice body art by the Health Authority for no more than a period of seven consecutive days in connection with conventions or industry trade shows.

(76) “Temporary Body Artist” means any person not certified by the Department, who performs body art in a temporary Body Art Studio who is responsible for complying with applicable provisions of these regulations. The permit to practice body art by the Health Authority is granted for no more than a period of seven consecutive days only for the purpose of product demonstration in connection with conventions or industry trade shows.

(77) “Temporary Body Artist Permit” means the issuance of a seven-day permit by the Health Authority which allows a person to practice body art as a tattoo artist, body piercer, or microblader, in accordance with this Chapter for the purpose of product demonstration in connection with conventions or industry trade shows.

(78) “Ultrasonic cleaning unit” means a device approved by the Health Authority with a lid, physically large enough to fully submerge instruments in liquid, which removes foreign matter from the instruments by means of high energy and high frequency oscillations transmitted through the contained liquid.

(79) “Universal precautions”, also known as “standard precautions”, means treating all blood and body fluids as if they contain bloodborne pathogens and taking proper precautions to prevent the spread of any bloodborne pathogens.

(80) “Waste” means solid waste, sewage, blood and body fluids or other waste resulting from the operation of a Body Art Studio.

(81) “Work area” or “workstation” means an area where clients receive body art from an individual body artist.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.05 Permits

(1) Body Art Studio permits.

(a) No person shall operate a Body Art Studio without first obtaining a Body Art Studio permit in accordance with the timeframes specified in these rules. Upon the effective date of this Chapter, as stated in Section 511-3-8-.03(4), existing Body Art Studios shall have one year to obtain and display a valid Department of Public Health Body Art Studio permit issued by the Health Authority. This deadline may be extended for all applicants upon public notice by the Department on its website.

(b) Permits shall be issued by the Health Authority on forms prescribed by the Department and shall designate one or more specialties which may be practiced in the studio: tattooing, piercing, or microblading. The Health Authority may authorize an electronic signature method for signing prescribed forms.

(c) Permits shall only be issued to a single permit holder operating at a single location. A permit shall not be transferable from one place to another, or from one person to another.

(d) An applicant for a Body Art Studio permit shall provide written evidence of satisfactory compliance with the provisions of this Chapter and any other applicable laws and regulations. The permit holder shall be responsible for maintaining compliance with the requirements of this Chapter and any other applicable laws and regulations.

(e) The permit shall be displayed near the front entrance of the studio within fifteen feet of the front or primary public door and between five feet and seven feet from the floor, and in an area where it can be read at a distance of one foot away or, if for some reason this is impractical, in an area approved by the Health Authority.

(f) The permit shall expire when the Body Art Studio ceases to operate, relocates, or has a change of ownership. For purposes of this subsection, a "change of ownership" means the transfer of a 50% or greater interest in the studio to a person or entity not currently holding an interest.

(g) An operating permit is not transferable from one studio to another.

(h) An application for a Body Art Studio must be submitted to the Health Authority no less than fourteen days prior to the start of construction or major structural modifications.

(i) The applicant shall certify in its application the names and exact duties of the employees and body artists who will be responsible for carrying out the rules and policies adopted by the permit holder. The following information shall be included for each such person:

1. Valid driver's license or Government issued ID;

2. Date of birth (DOB);

3. Home address;

4. Telephone numbers; and

5. Department-issued Body Artist Certification of all artists who will practice in the studio.

(j) Each application for a permit shall be accompanied by an 8 ½" x 11" or larger page containing a detailed, to-scale floor plan of the Body Art Studio. Such plan 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 or staff, and shall include room measurements.

(k) Specification sheets for all equipment to be in the studio shall be provided as determined by the Health Authority. Studios using all commercially purchased, individually packaged, sterile, single-use, disposable jewelry and instruments shall provide adequate manufacturer documentation to avoid requirements for an ultrasonic cleaner and autoclave.

(l) The ownership of the studio shall be fully disclosed in its application for a permit. The individual owners shall be listed, if a sole proprietorship or partnership; the members, if a limited liability company; and the shareholders, if a corporation. No permit shall be issued if any person with an ownership interest in the proposed studio is under eighteen years old, has previously had a body art permit or certification revoked, or is currently the subject of disciplinary proceedings related to body art chapter enforcement.

(m) The applicant shall show that it has demonstrated compliance with zoning and other local requirements regarding proper location and establishment of Body Art Studios, including any applicable building, fire safety, plumbing, mechanical and electrical codes.

(n) The Health Authority shall issue a Body Art Studio permit after:

1. Receipt of a completed application;

2. Payment of applicable fees;

3. Plan review approval; and

4. An inspection of the proposed studio which reveals that it is in compliance with requirements of this Chapter.

(o) Before being granted a permit, each Body Art Studio shall develop a written statement of policies and standard operating procedures that address:

1. Sterilization of instruments and equipment and Emergency Sterilization Procedures;

2. Body Artist and Employee Health;

3. Body Artist and Employee Drug and Alcohol Use;

4. Sanitizing areas and equipment between use;

5. Disposal of waste;

6. Record keeping;

7. Client screening;

8. Aftercare;

9. Exposure control plan;

10. Emergency plan for accidents that addresses first aid procedures; and

11.Water Interruption Plan.

(2) Body Art Studio Permit Holder Responsibilities. Upon acceptance of the permit issued by the Health Authority, in order to retain the permit, the permit holder shall:

(a) Ensure compliance with the provisions of this Chapter, including the conditions of any variance granted by the Department, and allow inspections by representatives of the Health Authority during hours of operation;

(b) Immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist; and

(c) Replace existing facilities and equipment that do not comply with this Chapter if:

1. The Health Authority directs the replacement because the facilities and equipment constitute a public health hazard or no longer comply with the criteria upon which the facilities and equipment were accepted; or

2. The facilities and equipment require replacement due to wear and tear in the normal course of operation.

(3) A copy of the most current version of this Chapter must be in the studio at all times.

(4) Temporary Body Art Studio Permits.

(a) A temporary Body Art Studio permit may be issued for body art services provided outside of a permitted location for the purpose of product demonstration in connection with body art conventions or industry trade shows.

(b) A temporary Body Art Studio permit may be obtained after submitting an application that contains the name of the body artists, location, the operating days, hours of operation of the temporary studio, and the plans or description of the temporary studio. The applicant will provide information related to solid waste, biomedical waste, and sharps disposal.

(c) A temporary Body Art Studio permits will not be issued unless the applicant demonstrates to the Health Authority successful compliance with all the requirements of this Chapter. This includes education, disclosure, consent, minimum design standards, and furnishing and fixtures requirements.

(d) The application for a permit must be submitted for review by the Health Authority at least thirty days prior to the event and all applicable fees must be paid before a permit will be issued.

(e) The following criteria pertain to permits for temporary Body Art Studios:

1. No permit may be valid for more than seven consecutive days.

2. An applicant shall not receive more than two seven-day permits during a thirty-day period.

3. A permit shall not be transferable from one place to another, or from one person to another.

4. A permit shall be posted in a prominent and conspicuous place as determined by the Health Authority so clients can readily observe it.

5. The temporary Body Art Studios shall meet the requirements of this Chapter. In addition, the following will be required:

(i) A convenient handwashing facility must be located within 30 feet of each work or demonstration area for body artist handwashing. In the absence of a hand wash station meeting the requirements of this Chapter, 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.

(ii) Only single-use, disposable, pre-sterilized supplies may be used.

(5) Prohibited Facilities.

(a) Neither Body Art Studios nor body art procedures shall be allowed in a private residence or other structure used for human habitation, food services, retail sales not directly related to body art, grocery stores, convenience stores, or similar purposes; however, body art operations may take place in completely separate areas of certain businesses deemed safe and appropriate by the Health Authority.

(b) Body Art Studios shall not be allowed in automobiles, mobile trailers, tents, recreational vehicles, or other non-fixed facilities.

(6) Prohibited Procedures and Restrictions.

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

(b) Any body art procedure that results in the permanent removal of tissue or that requires medical equipment such as scalpels or dermal punches.

(c) The use of manipulating needles, sharps, or any other item to serve the purpose of a scalpel is prohibited.

(d) Scarification (branding, cutting, or skin peeling), suspension piercing, neck rings, foot binding, corseting, play piercing, and tooth gems/dental bonding are prohibited.

(e) In accordance with O.C.G.A. Section 16-5-71, no person under the age of eighteen shall be tattooed.

(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 eighteen 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 Studio. The consent form must indicate the methods and parts of the minor’s body upon which the body piercing

procedure is performed. Nipple and genital piercing are prohibited on minors regardless of parental or legal guardian consent.

(g) With the exception of microblading of the eyebrow, and in accordance with O.C.G.A. Section 16-12-5, it shall be unlawful for any person to perform tattooing or cosmetic micropigmentation procedures within any area within one inch of the nearest part of the eye socket. Such prohibited procedures include but are not limited to tattooing eyeliner.

(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.

(7) Body artists shall not be under the influence of alcohol or drugs that cause drowsiness or other impairment while performing body art procedures.

(8) Body Art Studios and body artists shall refuse services to any person who appears to be under the influence of alcohol or drugs.

(9) Live animals shall be excluded from within the studio and adjacent areas 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 studio.

(10) The body artist must be free of any open wound that cannot be covered, any infection, or other visible or communicable diseases that can be transmitted as a result of carrying out the body art procedures

(11) 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) 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 clients.

(13) Body art shall only be performed by individuals holding a current Body Artist Certification issued by the Department, a Temporary Body Artist Permit or Guest Body Artist Permit issued by the Health Authority, and only at a location named in a Body Art Studio Permit or a Temporary Body Art Studio Permit.

Authority: O.C.G.A. § 31-40-2.

511-3-8-.06 Employee Files

(1) The permit owner of a Body Art Studio must maintain a file on all body artists who practice within the studio. Employee and body artist files must be kept on location for the duration of the person's employment and for a minimum of two years after the person is no longer employed. The employee and body artist files must be available for inspection and include the Department issued Body Artist Certification and a copy of the body artist's government issued ID.

(2) Any Body Artist working in an existing Body Art Studio on the effective date of this Chapter, as stated in Section 511-3-8-.03(4), shall have one year to obtain the Department certifications and education required in this Chapter. This timeframe may be extended for all applicants upon public notice by the Department on its website.

(3) The permit holder of the Body Art Studio shall make available, at no cost to the employee or body artist, the Hepatitis B vaccination series to body artists and any other employees who may have occupational exposure to blood or other potentially infectious material. For new employees and body artists, the vaccination must be offered after the worker is trained and within ten days of initial assignment to a job where there is potential occupational exposure, unless the employee has previously received the vaccine series, antibody testing has revealed that the worker is immune, the vaccine is contraindicated for medical reasons, or if the individual has declined the Hepatitis B vaccination series in writing. The employer must obtain a written opinion from the licensed healthcare professional within fifteen days of the completion of the evaluation for vaccination. This written opinion is limited to whether hepatitis B vaccination is indicated for the worker and if the worker has received the vaccination.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.07 Body Artist Certification and Decertification

(1) No person shall practice body art procedures without first obtaining a Body Artist Certification from the Department in accordance with the timeframes specified in these rules. Upon the effective date of this Chapter, as stated in Section 511-3-8-.03(4), existing Body Artists shall have one year to obtain and display a valid certificate issued by the Department. This deadline may be extended for all applicants upon public notice by the Department on its website.

(2) An applicant for a Body Artist Certification must be at least eighteen years of age and shall demonstrate to the Department successful compliance with all education, disclosure, consent, and fee requirements of this Chapter. An applicant shall request certification in one or more of the following areas:

(a) Tattooing;

(b) Piercing; and/or

(c) Microblading.

(3) Applicants shall submit a completed Department application provided by the Health Authority. The Department may authorize an electronic signature method for signing prescribed forms. As part of the application process, the applicant shall:

(a) Pay an exam fee not to exceed $50.00 to the Health Authority;

(b) Pay Department Certification fees; and

(c) Complete and pass a Department-approved exam on this Chapter.

(4) Initial application for the Body Artist Certification shall include:

(a) Name;

(b) Date of Birth;

(c) Residence address;

(d) Mailing address;

(e) Phone number;

(f) Photocopy of a government issued ID;

(g) Proof of United States Citizenship or lawful residence in the United States.

(h) Proof of successful completion of an OSHA-compliant Bloodborne Pathogen/Universal Precautions training program and Basic First Aid/CPR classes given or approved by the Department; and

(i) Valid documentation of a Hepatitis B Virus (HBV) vaccination status including:

1. Documentation of HBV vaccination; or

2. Laboratory evidence of immunity or documentation of no response following two full HBV vaccine series; or

3. 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

4. Signed certificate of vaccination declination of HBV as required by OSHA.

(5) No Body Artist Certification will be issued without successfully completing an approved course in Bloodborne Pathogens/Universal Precautions and a Basic First Aid/CPR course approved by the Department.

(6) The Body Artist Certification shall be valid for one year and may be renewed on a standard date to be determined by the Department. Issuance and renewal shall be conditioned on compliance with this Chapter, successful completion of required courses, and paying required certification fees to the Department. Certifications shall be issued on forms provided by the Department.

(7) A body artist shall only perform that form of body art which is indicated in the Body Artist Certification.

(8) A copy of the Body Artist Certification shall be posted where it may be readily observed by clients.

(9) For annual Body Artist Certification Renewal, each artist:

(a) Must submit a completed Body Artist Certification Renewal Application;

(b) Must pay all applicable fees to the Department;

(c) Must submit proof of current immunizations and education requirements as referenced in the initial certification section; and

(d) Must not have any unresolved disciplinary actions or have committed any illegal activities related to the industry during the previous certification period.

(10) Temporary Body Artist Permit.

(a) No body artist shall practice body art at a Temporary Studio without a Temporary Body Artist Permit issued by the Health Authority or Body Artist Certification issued by the Department.

(b) The Health Authority may issue a seven-day permit to engage in the practice of body art if the body artist is not currently certified by the Department. Such temporary body artist permit will allow a person to practice body art only in a permitted Temporary Studio under the supervision of the permit holder. Temporary Body Artist Permits will not be issued unless the applicant demonstrates to the Health Authority successful compliance with all education, disclosure, consent, and requirements of this Chapter. The issuance of a Temporary Body Artist Permit is conditioned upon the following:

1. A completed application submitted no less than ten days in advance of the start date of providing services; the Health Authority may authorize an electronic signature method for signing prescribed forms.

2. Documentation that the applicant has received education requirements set by this Chapter;

3. Must be listed on the temporary Body Art Studio permit application where the applicant will perform body art;

4. Payment of all applicable fees as determined by the Health Authority; and

5. Documentation of a Hepatitis B Virus (HBV) vaccination completion status including:

(i) Documentation of HBV vaccination;

(ii) Laboratory evidence of immunity or documentation of no response following two full HBV vaccine series;

(iii) Documentation stating the vaccine is contraindicated for medical reasons, including 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

(iv) Signed certificate of vaccination declination of HBV as required by OSHA.

(11) Guest Body Artist Permit.

(a) No visiting out-of-state 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-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 valid Department issued certification in the same category. The issuance of a Guest Body Artist Permit is conditioned upon the following:

1. A completed application submitted no less than ten days in advance of the start date of providing services; the Health Authority may authorize an electronic signature method for signing prescribed forms.

2. Documentation that the applicant has received education specified in by this Chapter;

3. A letter of consent signed by a body artist certified by the Department, a copy of the Body Artist Certification of the sponsoring artist, and a copy of the Body Art Studio permit where the applicant will perform body art;

4. Payment of all applicable fees as determined by the Health Authority; and

5. Documentation of a Hepatitis B Virus (HBV) vaccination completion status including:

(i) Documentation of HBV vaccination;

(ii) Laboratory evidence of immunity or documentation of no response following two full HBV vaccine series;

(iii) Documentation stating the vaccine is contraindicated for medical reasons, including 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

(iv) Signed certificate of vaccination declination of HBV as required by OSHA.

(c) An applicant shall not receive more than two seven-day Guest Body Artist Permits during a thirty-day period.

(12) Decertification and Denial.

(a) The Department may deny or revoke the certification of any person for one or more of the following reasons:

1. Failure to comply with this Chapter;

2. A material misrepresentation or omission on any application for certification or renewal;

3. Failure to pay certification or renewal fees;

4. A civil judgement based on conduct related to the Body Art industry; or

5. Such other conduct, as in the opinion of the Department, would render certification of the person a threat to the health or safety of the public.

(b) The Department may, in its discretion, impose a lesser sanction where the circumstances of the violation do not merit revocation of the certification, including suspension or probation on specific terms.

(c) Disciplinary Procedure.

1. The Department may, but is not required to, refer information concerning a certified person to the Body Art Advisory Committee, if established. The Committee shall review the evidence and make a recommendation to the Department.

2. The Department shall give written notice of any disciplinary action taken pursuant to this regulation by certified mail or statutory overnight delivery to the last known address of the person or entity. The notice shall set forth the facts which support disciplinary action.

3. Upon request made in writing and received by the DPH Office of General Counsel no later than twenty days after the written notice of disciplinary action is mailed, the Department shall refer the matter to the Georgia Office of Administrative Hearings for hearing in accordance with its rules. The burden of proof shall be on the person or entity seeking the hearing.

4. Effective date of disciplinary action.

(i) All disciplinary actions by the Department are effective twenty days after the certified person’s receipt of the notice, unless otherwise specified in the notice, or unless the certified person makes a timely request for a hearing.

(ii) Upon a written finding set forth in the notice of disciplinary action that the public safety, health, and welfare imperatively require emergency action, the suspension of the certification shall be effective immediately upon issuance of the notice.

5. Upon request for exculpatory, favorable, or arguably favorable information relative to pending allegations involving disciplinary action, the Department shall either furnish such information,

indicate that no such information exists, or provide such information to the hearing officer for *in camera* inspection pursuant to O.C.G.A. § 50-13-18 (d)(2).

Authority: O.C.G.A. §§ 31-40-2; 31-40-3; 31-40-4; 50-13-13; 50-13-18.

511-3-8-.08 Client Files

(1) Every Body Art Studio shall require that each client complete an application, client evaluation and informed consent form approved by the Health Authority prior to having any body art activity performed upon or to their body. All records required by this Rule may be kept in digital or print form.

(2) The application shall contain a minimum of the following:

(a) Name;

(b) Date of birth;

(c) Copy of government issued identification (ID);

(d) In the case of piercings for a minor client, the parent or legal guardian's government issued ID, proof of parentage or legal guardianship through a certified copy of a birth certificate or court order of guardianship respectively, state-issued photo ID or other Health Authority approved ID for the minor client, and the written consent to conduct the contemplated Body Art activity to be performed upon the minor client;

(e) A brief description and location of the Body Art procedure to be performed;

(f) The phone number of the Health Authority and instructions for the client, or in the case of a minor client, the minor client and parent or legal guardian, to contact the Health Authority with any complaint, question or concern regarding safety, sanitization, or sterilization procedures;

(g) The name and certification number of the Body Artist who is to conduct the Body Art on the client or minor client;

(h) 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;

(i) A statement by the client attesting that he or she is not under the influence of alcohol or drugs;

(j) The signature of the Body Artist; and

(k) The dates of all signatures.

(3) The Body Art Studio shall complete a client evaluation to ensure that the client inform the Body Artist of any known chronic medical or communicable conditions, including, but not limited to the following:

(a) History of diabetes or any disorder or medication that affects the neurological or immune system in fighting infection;

(b) Bloodborne conditions such as Hepatitis B, Hepatitis C, HIV;

(c) History of hemophilia or any other blood clotting abnormalities;

(d) History of skin disease, skin lesions, or skin sensitivities to soap, disinfectants, etc.;

(e) History of allergies or adverse reactions to pigments, dyes, or other skin sensitivities;

(f) History of epilepsy, seizures, fainting or narcolepsy;

(g) The taking of medications such as aspirin or other anticoagulants (such as warfarin, Xarelto™, Plavix, Eliquis™, etc.) which thin the blood and or interfere with blood clotting;

(h) History of or suspicion of adverse reaction to latex or products containing latex; and

(i) History of keloid formation.

(j) If the client is pregnant or has been pregnant in the last three (3) months; and,

(k) If the client has eaten in the last four (4) hours.

(4) The body artist must tell the client to consult a physician prior to the procedure if they have any concerns related to the evaluation questions outlined in (3).

(5) The Body Artist shall inform the client, verbally and in writing that the health conditions outlined in (3) may increase health risks associated with receiving a body art procedure.

(6) If the client refuses to disclose the information in (3) of this subsection, then the Body Artist shall require the client to sign a form stating that the client was asked to provide the information and refused.

(7) The client must sign an informed consent form that includes but not limited to the following:

(a) Client is voluntarily obtaining services of their own free will and volition;

(b) Client has had the opportunity to read and understand the documents presented to them;

(c) Client has the ability to ask questions about the procedure; and

(d) Client has received and understands written and verbal aftercare.

(8) For each client, proper records of identification, an application, client evaluation, and informed consent form shall be kept, in digital or print form, and retained for a minimum of three years. Records must be kept on premises for a minimum of one year. All three years of records must be available to the Department or Health Authority upon request. The files must be stored in a manner that prohibits access from unauthorized personnel.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.09 Minimum Design Standards

(1) A studio shall provide work areas separate from observers or visitors. An individual body artist shall not perform body art procedures simultaneously on different clients.

(2) There shall be adequate floor space for each work area in the studio. At a minimum, an adequate area includes space for all items required by this Chapter, such as a handwashing sink, a waste receptacle, and a sharps container, as well as space for the Body Artist to safely perform body art procedures.

(a) Work areas must be separated from lobby and waiting areas by nonabsorbent curtains, knee walls, or other partitions approved by the Health Authority.

(b) Floors shall be nonabsorbent and easily cleanable.

(c) Work areas shall provide privacy, if desired by the client, by means of nonabsorbent curtains or similar approved partitions.

(d) If body art procedures are conducted in an environment where airborne particulates are of concern (including but not limited to hair and nail salons), the body art procedures shall take place behind a floor-to-ceiling partition or in a separate room.

(3) A Body Art Studio 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 disinfection 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 studio by means of doors, nonabsorbent curtains, or similar approved partition extending from floor to ceiling or a height of at least eight 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 or another approved 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 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) The requirement for a cleaning room with an ultrasonic cleaning unit and autoclave may be waived by the Health Authority if the studio only stores and uses commercially purchased sterile single-use disposable body art tattoo instruments.

(4) Hand washing facilities shall be provided within 30 feet of each workstation and must be fully accessible in an unobstructed pathway. Additional hand sinks may be placed at the discretion of the Health Authority if warranted. Hand washing facilities will also be made available in the cleaning rooms. These are in addition to the required sinks in toilet rooms. Studios that are open and operating on the effective date of this Chapter will be required to have one hand wash sink that is available by an unobstructed pathway within thirty feet of each work area 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 service sink or one 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 service water and similar liquid waste. After the effective date of this Chapter, mop sinks will be required upon renovation to any existing studio or any major plumbing renovation.

(7) The use of common towels and cloths for any purpose is prohibited.

(8) Sanitary Facilities and Controls.

(a) Enough potable water for the needs of the Body Art Studio shall be provided from a public water system, or from an approved 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 Georgia Department of Natural Resources, Environmental Protection Division (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 Studio and results must be forwarded to the Health Authority.

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

(d) Plumbing. Plumbing shall be sized, installed, and maintained according to law, state and local code. 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 or client that does not require passage through a cleaning room and work area with the exception that access through such areas may be allowed if the risk of contamination is determined to be minimal.

(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 always be provided at each toilet. 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, state and local code.

(b) Each handwashing sink shall be equipped to provide hot water at a temperature of at least 100ºF (38 ºC). 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 twenty 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 waste receptacles with self-closing lids with hands-free controls 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 waste receptacle shall be provided in each artist area. Receptacles in the body artist area shall be emptied daily or more if necessary. 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 may 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 via a sink dedicated to that purpose.

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.

(i) 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."

(ii) 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.

(iii) 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.

(iv) Sharps container must be placed within arm’s reach and below eye level at their point of use.

(12) 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.

(13) Lighting.

(a) Permanently fixed artificial light sources shall be installed to provide at least fifty- 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 inches from the floor at least ten-foot candles of light in all other areas.

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

(15) 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 studio 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 or separate room.

(d) Spray bottles labeled with contents may be used for the purpose of cleaning but not for body art procedure preparation.

(16) Premises.

(a) Body Art Studios shall be kept neat, clean, and free of litter and rubbish.

(b) Only articles necessary for the operation and maintenance of the Body Art Studio shall be stored on or within the studio. 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 body artists and employees to perform their duties readily without contamination of equipment or operational surfaces by clothing or personal contact.

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

(17) Equipment and Instruments.

(a) Materials.

1. Multi-use equipment and instruments 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 instruments, 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.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.10 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 area that could potentially be contaminated during a procedure must be non-porous to allow for proper cleaning. This includes but is not limited to worktables, chair mats and bases, shelving, and counters.

(3) Worktables and chairs shall be provided for each body artist workstation.

(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 worktables and chairs shall be sanitized with an EPA registered disinfectant approved by the Health Authority after each use and between clients.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.11 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 application 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 such as gloves, ink caps, carbon, or stencils, shall be provided for each body artist and shall be maintained in a sanitary manner which protects them from contamination.

(4) Minimum supplies of a studio. Each workstation is to be equipped or stocked with enough of the following items:

(a) Body Tattooing Studios shall have packaged, single use, pre-sterilized needle assembly with bar and sterilized needle tubes;

(b) Body Piercing Studios shall have packaged, single-use, pre-sterilized needles, sterilized needle tubes, sterilized forceps, and sterilized hemostats; single-use pens or equivalent instruments. Piercing Studios may sterilize equipment at point of use if they have a cassette autoclave.

(c) Extra packages of disposable towels other than the package that is being used;

(d) Extra boxes of medical grade disposable gloves other than the box being used; and

(e) An extra supply of bandages, ointment or gel, and antimicrobial soap.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.12 Health and Hygiene

(1) With the exception of a plain ring such as a wedding band, jewelry on the hands and wrists of a body artist, such as watches, rings, or bracelets, shall be removed prior to the start of the body art procedure.

(2) Prior to the procedure, the artist shall inspect their 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. The artist shall trim fingernails to ensure gloves are not punctured. Recent tattoos or piercings in the healing process shall also be properly covered 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 soap, then rinse hands and dry with disposable paper towels before and after performing body art procedures; anytime there is an interruption in body art procedure that requires the artist to remove and replace gloves; after using the restroom; and after touching their face, hair or other areas.

(5) Medical grade, single-use, disposable gloves labeled for surgical, or examination purposes shall be worn when coming in contact with the client and 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, open lesions, or infection. No artist affected with boils, infected or open wounds or sores, abrasions, weeping dermatological lesions, fever, vomiting, diarrhea, or acute or chronic cough or respiratory infection shall work in any area of a Body Art Studio in any capacity in which there is a likelihood that the individual could contaminate body art equipment, supplies, working surfaces with body substances or pathogenic organisms or expose other staff or clients to infections.

(8) Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. All body artists and employees shall be trained in universal precautions and present documentation of yearly training upon request.

(a) The body artist should assume that all human blood, plasma, serum, body fluids and tissues are 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 following 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, drinking, use of tobacco products, and applying cosmetics or lip balm are not permitted in the area where body art preparations or procedures are performed and any location

where instruments or supplies are stored or cleaned. Exceptions may be made for the purpose of rendering first-aid.

(h) All procedures shall be performed carefully to minimize the creation of aerosols.

(i) Employees and body artists shall report all work-related accidents, incidents, and unexplained illness to their supervisor immediately.

(j) Soiled gloves shall be removed in a manner to minimize the risk of self-contamination or cross-contamination after each operation and prior to contacting work surfaces, doorknobs, wall switches, or telephones. Dispose of used gloves in a bagged trash container.

(k) Food storage cabinets or refrigerators shall be located outside the work area.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.13 Instrument Cleaning and Sterilization

(1) An ultrasonic cleaning unit and operational Class B or S medical grade or other approved medical-grade autoclave is required and shall be provided in each Body Art Studio unless the use of pre-sterilized items and equipment or single-use items has been approved by the Health Authority.

(2) Ultrasonic cleaning units used for cleaning instruments 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 as per manufacturer's recommendations. Ultrasonic cleaning unit and medical-grade autoclave maintenance records must be maintained for two years and be made available upon request.

(4) Used non-disposable instruments shall be kept in a separate puncture-resistant container and soaked in a protein-dissolving detergent-enzyme cleaner until cleaned. The solution shall be changed as recommended by the solution manufacturer. The cleaning method shall include the following:

(a) Employees and body artists shall use personal protective equipment, protecting their eyes, nose, mouth, and hands while cleaning instruments and follow manufacturer'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, rinsed in clean water and air dried.

(c) Prior to being placed in the autoclave, all equipment shall be bagged, labeled as to its 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 sterilization packs and sterilized in a medical-grade autoclave. All sterilized packs shall contain either a sterilization indicator or internal temperature indicator and marked with the date of sterilization. Sterilized instruments may be stored for use up to one year, as long as the integrity of the packaging has not been compromised.

(e) Each autoclave bag must be used in accordance with the manufacturer's recommendations and may hold no more than one individual item. 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 instruments 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 tests shall be used at a minimum frequency of every 40 hours of operation of the autoclave but not less than on a monthly basis unless the manufacturer specifies more frequent monitoring. Records of the results must be kept for a minimum of three years. An independent commercial testing laboratory contracted by the permit owner or body artist, or both shall perform biological spore testing of the autoclave. A provision shall be included in the contract with the commercial testing laboratory requiring the body art studio to notify the Health Authority of any failure of the autoclave to eradicate all living organisms, including spores.

(9) Upon notification of a positive microbiological monitoring report, the autoclave shall be immediately checked for proper use and function and the permit owner shall cease use of the autoclave immediately upon receipt of the positive report. Any items remaining bagged after sterilization must be reprocessed and sterilized by a medical-grade autoclave approved for use prior to return to service. A negative biological test and passing a Class 5 integrating indicator must be achieved before the autoclave can be used again and 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 Body Art Studio's standard operation procedure should include an emergency plan should an 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.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.14 Dyes and Pigments

(1) All dyes or pigments used in tattooing shall be from commercial professional suppliers specifically manufactured as dyes or pigments only for the tattooing of human skin and shall be used according to the manufacturer's instructions. Products banned or restricted by the Food and Drug Administration are prohibited.

(2) All ink shall be handled using the following protocol:

(a) Bulk containers of ink shall not be used for longer than the manufacturer's expiration date.

(b) Inks and pigments can be stored in workstations or in an approved location and must be properly stored to prevent contamination.

(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 shall be properly discarded along with the container.

(5) The Safety Data Sheets of all inks must be available for client review to assess any possible allergic reaction to ingredients.

(6) Dyes and pigments shall be mixed only with distilled or sterile water.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.15 Tattoo Procedures

(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 instruments 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-resistant, or disposable biohazard container. Expired, breached needle packages or needle packages that have 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. Needle cartridges must have a membrane.

(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 client.

(9) If shaving is necessary, single-use disposable razors shall be used and discarded into a puncture-resistant container 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 an antimicrobial solution used in accordance with the manufacturer's 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.

(17) The completed tattoo shall be washed with a single-use towel saturated with an antimicrobial solution.

(18) A sterile bandage or dressing shall then be applied to the finished tattoo. For procedures such as “permanent makeup”, “microdermapigmentation”, “micropigment implantation”, “microblading”, “microshading”, “micro-needling with the use of pigment”, cosmetic tattooing or any other similar procedures, the use of a sealed or non-sticking wrap or dressing is not required.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.16 Piercing Jewelry

(1) Client and the body piercer should have appropriate size and quality jewelry chosen before the procedure begins.

(2) Jewelry used in piercing shall meet the requirements of DPH Rule 511-3-8-.04(45)(a) - (k) and 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 chamber or cassette autoclave. Any two-piece or multi-piece jewelry that is screwed or pieced together must be separated prior to sterilization. Pre-sterilized jewelry is allowed if documentation is provided from the manufacturer stating all parts of the jewelry is pre-sterilized.

(5) Should jewelry become contaminated during the piercing process, a sterile piece of jewelry must be used, or re-sterilization must occur prior to use.

(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.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.17 Body Piercing Procedures

(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 sterilized instruments to be used in the body piercing must be placed on a medical grade liner that is placed on a disinfected surface. Any nonsterilized

equipment may be sterilized in a medical grade cassette autoclave before the procedure begins and kept in the cassette.

(3) Single use sterilized piercing needles shall be used and disposed of immediately after use into a puncture-resistant or disposable biohazard container.

(4) No approved tool may be modified and used for anything other than its intended use as per the manufacturer's recommendations.

(5) Pre-sterilize all reusable equipment such as forceps, hemostats, calipers, and tubes in sealed, properly labeled, sterile indicator bags. These items are to be used only 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.

(6) Sterilized instruments shall remain in sterile packages until opened in front of the client.

(7) Single-use towels or gauze shall be used in preparing the piercing site and shall be disposed of after use on each client.

(8) If shaving is necessary, single-use disposable razors shall be used and discarded into a puncture-resistant container between clients and as otherwise needed.

(9) 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 an antimicrobial solution used in accordance with manufacturer's label instructions.

(10) In the case of oral piercings, the operator shall provide the individual with antimicrobial mouthwash in a single-use cup and shall ensure that the individual utilizes the mouthwash provided and rinses based on the manufacturer's label instructions 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.

(11) If piercing a minor, the legal parent or guardian that signed the application must be in the procedure area while the minor is receiving the piercing.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.18 Body Art After Care

(1) Verbal and written instructions reviewed and approved by the Health Authority for the care of the body art procedure site shall be provided to each client by the artist upon completion of the procedure.

(a) 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.

(b) The written instructions shall advise the client to consult a healthcare provider at the first sign of infection and will contain the name, address, and phone number of the studio.

(c) The instructions will also list the name, address, and phone number of the Health Authority.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.19 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.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.20 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 Chapter.

(2) Used needles shall not be purposely bent or broken, or otherwise manipulated by hand to prevent needle sticks or injury and exposure to blood or body fluids.

(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 the Solid Waste Management regulations of the Georgia Department of Natural Resources, Environmental Protection Division.

(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 artist area. Receptacles in the artist area shall be emptied daily, and solid waste shall be removed from the premises at least weekly or more often if necessary. All waste receptacles shall be covered and maintained.

(8) Solid waste shall not be stored outdoors unless in a secured and lidded dumpster that complies with applicable county or municipal solid waste ordinances.

Authority: O.C.G.A. § 31-40-5.

511-3-8-.21 Signage

Each Body Art Studio shall conspicuously display in a prominent place, easily seen by clients, a printed sign that warns that any body art on the face, neck, forearm, hand, or lower leg of an individual may automatically disqualify such individual from military service in the armed forces of the United States. Such notice shall be at least 11 inches by 14 inches in size, with letters at least one inch in height.

Authority: O.C.G.A. § 31-40-8.

511-3-8-.22 Inspections

(1) The studio and all its records shall be available for review and examination by properly identified representatives of the Health Authority. A Body Art Studio shall be inspected no less than twice annually.

(2) A copy of the most recent inspection report shall be displayed in a conspicuous location within fifteen feet of the front or primary public door and between five feet and seven feet from the floor and in an area where it can be read at a distance of one foot away, or if this is impractical, in an area designated by the Health Authority.

(3) Representatives of the Health Authority, after proper identification, shall be permitted to enter any Body Art Studio or operation at any time during business hours for the purpose of making inspections and reviewing of pertinent records to determine compliance with this

Chapter. The permit holder is responsible for ensuring that at least one person on site is authorized and able to provide access to all rooms, facilities, and records of the Body Art Studio, and who can demonstrate that there is sufficient daily oversight of employees, body artists and perform routine monitoring of operations.

(4) Representatives of the Health Authority who conduct inspections of Body Art Studios must complete an OSHA compliant Bloodborne Pathogens/ Universal Precautions training, pass a written exam developed by the Department, and comply with other training requirements established by the Department.

(5) Inspection results - Reporting and Scoring.

(a) Inspection results for Body Art Studios shall be recorded on standard forms provided by the Department.

(b) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values of five points, with non-critical violations having assigned values of either one or two points.

(6) The rating score shall be the total of the weighted point values for all violations subtracted from one hundred.

(a) Correction of imminent health hazards shall be corrected immediately. Critical violations shall be corrected within seventy-two hours, and non-critical violations within ten calendar days.

(b) Upon declaration of an imminent health hazard which cannot be immediately corrected, the local Health Authority shall issue an order requiring the studio 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 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 or the Department may result in such emergency action including enforcement actions pursuant to O.C.G.A. § 31-5-2 and 31-5-9(a).

(e) In the case of temporary Body Art Studios, all critical violations shall be corrected immediately, or provisions must be made to satisfy the violation until a complete correction can be made within twenty-four hours. If critical violations are not corrected within twenty-four hours, the studio shall immediately cease operations until authorized to resume by the Health Authority. Upon declaration of an imminent health hazard which cannot be immediately corrected, the Health Authority shall issue an order requiring the studio to immediately cease operations until authorized to reopen by the Health Authority.

(f) Follow up inspections when required will be performed within the time or as determined by the Health Authority.

(7) Inspection Frequency.

(a) The Health Authority shall conduct one or more construction inspections for newly constructed or major structurally modified studios to verify that the Body Art Studio is constructed and equipped in accordance with the approved plans and specifications and is in compliance with law and this Chapter. In addition, the Health Authority may conduct one or more preoperational inspections to verify compliance with the construction and equipment requirements of this Chapter at the time of a change in the permit holder of an existing Body Art Studio.

(b) An initial inspection will be conducted in a studio prior to the body art permit being issued.

(c) To allow the permit holder of the Body Art Studio sufficient time to fully train body artists, employees and to ensure the studio has implemented all written procedures, the first routine inspection will be conducted within sixty days after the opening of the studio; and it will mark the beginning of the studio's compliance history with this Chapter.

(d) After the first routine inspection, studios maintaining an "A" or "B" score shall be inspected based on the minimum inspection frequency established by this Rule.

(e) Studios 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.

(f) Follow-up inspections may be conducted at any time at the discretion of the Health Authority but shall be conducted within ten days after a studio receives a grade "U".

(8) Grading Inspections. Inspections will receive a letter grade based on the numerical score as follows:

(a) The letter grade "A" means that the majority of the requirements of this Chapter have been met and is applied to a score of 90 to 100.

(b) The letter grade "B" means satisfactory compliance and is applied to a score of 80 to 89.

(c) The letter grade "C" means marginal compliance and is applied to a score of 70 to 79.

(d) The letter grade "U" means unsatisfactory compliance and is applied to a score of 69 or less.

(9) 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 will be completed,

documenting the violations that have been corrected. It will be noted on the addendum that this was an informal follow-up inspection, and the studio will keep the same grade that was earned on the previous routine inspection. The addendum will be made available by the Body Art Studio to the public upon request.

(10) Upon the completion of an inspection, the person in charge of the studio shall sign the inspection report form. The Health Authority shall inform the person in charge that:

(a) The person in charge's signature shall not necessarily indicate agreement with the findings noted on the inspection.

(b) 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 the refusal to sign an acknowledgment of receipt will be noted in the inspection report and conveyed to the Health Authority's historical record for the Body Art Studio.

(11) Failure to make timely corrections to the satisfaction of the Health Authority or the Department may subject the Body Art Studio to suspension or revocation of its permit.

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

(13) Voluntary Closure. A Body Art Studio that is graded with two critical violations or is graded as a "U" on two consecutive inspections or is graded as a "U" and does not earn at least a grade of "C" within ten days of receiving the "U" or does not correct requires violations within seventy-two hours (if allowed) of receiving an inspection report may be requested to voluntarily close until all violations are corrected.

Authority: O.C.G.A. §§ 31-40-3; 31-40-6.

511-3-8-.23 Compliance and Enforcement

(1) The administration and enforcement of this Chapter shall be as prescribed in O.C.G.A. Section 31-5-1 et seq. The Health Authority shall have the power and authority to suspend, or revoke body art studio permits for failure to comply with the provisions of this Chapter.

(2) The Health Authority shall have primary responsibility for the enforcement of this Chapter within its jurisdiction.

(3) No person or entity shall operate a Body Art Studio or conduct body art activities without a valid permit or certification issued pursuant to this Chapter.

(4) Suspension or Revocation of Permits. The Health Authority shall have the power and authority to suspend or revoke a permit if the permit owner or its body artists or employees are

unwilling or unable to comply with these regulations, the regulations of the local Health Authority, or the provisions of O.C.G.A. Section 31-28-1 et seq.

(a) A permit holder shall be presumed unwilling or unable to comply if it refuses to allow the Health Authority to enter upon and inspect the premises of the Body Art Studio at any reasonable time, or if any critical violation is found to be uncorrected upon two consecutive inspections, or upon continuous violation of this Chapter.

(b) The revocation of a permit may be appealed to the Department of Public Health in accordance with O.C.G.A. Section 31-5-3 by sending written notice, by certified mail or statutory overnight delivery, addressed to the Department of Public Health, Office of General Counsel, with a copy to the Health Authority official that revoked the permit. Within ten days of receiving the notice, the Health Authority shall provide the Department with a copy of its entire file on the inspections and actions that led to the revocation of the permit. The Department shall schedule a hearing within twenty days of receiving the notice and shall decide the matter upon the arguments of the parties and the administrative record.

(5) Conditions Warranting Action. The Health Authority may summarily suspend a permit to operate a Body Art Studio if it determines through inspection, or examination of body artists, employees, records, or other means as specified in this Chapter, that an imminent health hazard exists.

(6) Resumption of Operations. If operations of a Body Art Studio 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.

Authority: O.C.G.A. §§ 31-5-1 et seq.; 31-40-3; 31-40-4.

511-3-8-.24 Fees

The Department will adopt a fee schedule for Body Artist Certification.

Authority: O.C.G.A. § 31-40-5.