

REFERENCE TITLE: physical body adornment; establishments; certification

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2442

Introduced by
Representatives Butler: Alston, Andrade, Cardenas, Clark, Cobb, Engel,
Gabaldón, Hernandez, Peten, Powers Hannley, Rios, Salman

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 15;
RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 15, to read:

4 CHAPTER 15

5 BODY ART ESTABLISHMENTS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-1751. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "BODY ART":

10 (a) MEANS THE PRACTICE OF PHYSICAL BODY ADORNMENT BY BODY PIERCING,
11 TATTOOING, COSMETIC TATTOOING, PERMANENT SKIN COLORING, BRANDING AND
12 SCARIFICATION.

13 (b) DOES NOT INCLUDE PRACTICES THAT ARE CONSIDERED BY A STATE
14 MEDICAL BOARD TO BE MEDICAL PROCEDURES, PRACTICES THAT ARE NONINVASIVE
15 FORMS OF PAINTING THROUGH THE USE OF DYES OR INKS OR PRACTICES THAT ARE
16 CONSIDERED BY THE BOARD OF COSMETOLOGY TO BE AESTHETICS, COSMETOLOGY OR
17 NAIL TECHNOLOGY.

18 2. "BODY ART ESTABLISHMENT" MEANS ANY PLACE WHERE BODY ART IS
19 PERFORMED, WHETHER OR NOT FOR PROFIT, UNDER THE DIRECTION OF A BODY ART
20 ESTABLISHMENT OPERATOR.

21 3. "BODY ART ESTABLISHMENT EMPLOYEE" MEANS A PERSON WHO PRACTICES
22 BODY ART AT A BODY ART ESTABLISHMENT UNDER THE DIRECTION OF A BODY ART
23 ESTABLISHMENT OPERATOR.

24 4. "BODY ART ESTABLISHMENT OPERATOR" MEANS A PERSON WHO CONTROLS,
25 OPERATES, MANAGES OR PRACTICES BODY ART ACTIVITIES AT A BODY ART
26 ESTABLISHMENT.

27 5. "BODY PIERCING" MEANS PUNCTURING OR PENETRATING A PERSON'S SKIN
28 WITH A NEEDLE OR SHARPENED JEWELRY AND INSERTING JEWELRY OR ANOTHER
29 ADORNMENT IN THE OPENING. BODY PIERCING INCLUDES EAR PIERCING.

30 6. "EAR PIERCING" MEANS THE PUNCTURING OF THE OUTER PERIMETER OR
31 LOBE OF THE EAR WITH A NEEDLE.

32 7. "LOCAL PUBLIC HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPARTMENT
33 ESTABLISHED PURSUANT TO CHAPTER 1, ARTICLE 4 OF THIS TITLE OR A COUNTY
34 ENVIRONMENTAL DEPARTMENT.

35 8. "TATTOOING" MEANS ANY METHOD OF PLACING INK OR OTHER PIGMENT
36 INTO OR UNDER THE SKIN OR MUCOSA TO PERMANENTLY COLOR THE SKIN OR MUCOSA
37 BY USING NEEDLES OR ANY OTHER INSTRUMENT TO PUNCTURE THE SKIN. TATTOOING
38 INCLUDES ALL FORMS OF COSMETIC TATTOOING AND PERMANENT SKIN COLORING SUCH
39 AS EYELINER, EYEBROWS, LIP LINER, FULL LIP COLOR, REPIGMENTATION OR
40 CAMOUFLAGE.

41 36-1752. Certificates of operation; application; fees;
42 posting

43 A. BEGINNING JANUARY 1, 2020, A BODY ART ESTABLISHMENT OPERATOR WHO
44 WISHES TO OPERATE A BODY ART ESTABLISHMENT SHALL HAVE A CURRENT
45 CERTIFICATE OF OPERATION ISSUED BY A LOCAL PUBLIC HEALTH DEPARTMENT. A

1 BODY ART ESTABLISHMENT OPERATOR WHO WISHES TO OPERATE MORE THAN ONE
2 ESTABLISHMENT SHALL HAVE A SEPARATE CERTIFICATE OF OPERATION FOR EACH
3 ESTABLISHMENT.

4 B. A LOCAL PUBLIC HEALTH DEPARTMENT MAY ESTABLISH ITS OWN FEES
5 RELATING TO BODY ART ESTABLISHMENT CERTIFICATES OF OPERATION.

6 C. AN APPLICANT FOR A CERTIFICATE OF OPERATION SHALL FILE A
7 COMPLETED APPLICATION AS REQUIRED BY THE LOCAL PUBLIC HEALTH DEPARTMENT
8 AND SHALL INCLUDE THE APPLICATION FEE AS PRESCRIBED BY THE LOCAL PUBLIC
9 HEALTH DEPARTMENT.

10 D. A CERTIFICATE OF OPERATION ISSUED PURSUANT TO THIS SECTION IS
11 NOT TRANSFERABLE.

12 E. THE BODY ART ESTABLISHMENT OPERATOR SHALL POST THE CERTIFICATE
13 OF OPERATION AND A REPORT OF THE MOST RECENT INSPECTION, IF APPLICABLE, IN
14 A PROMINENT AND CONSPICUOUS AREA WHERE THEY MAY BE READILY OBSERVED BY
15 CLIENTS.

16 36-1753. Minimum standards for operation; county standards

17 A. THE LOCAL PUBLIC HEALTH DEPARTMENT SHALL PRESCRIBE MINIMUM
18 STANDARDS REGARDING THE FOLLOWING THAT EACH BODY ART ESTABLISHMENT MUST
19 COMPLY WITH AS A CONDITION OF OPERATION:

- 20 1. SANITATION.
- 21 2. PEST CONTROL.
- 22 3. PROPER DISPOSAL OF EQUIPMENT AND BODILY FLUIDS.
- 23 4. STERILIZATION OF EQUIPMENT AND SURFACE AREAS.
- 24 5. RECORDKEEPING AND OTHER BUSINESS PROCEDURES.
- 25 6. BODY ART ESTABLISHMENT EMPLOYEE REQUIREMENTS.
- 26 7. A REQUIREMENT FOR AN ANNUAL BLOODBORNE PATHOGEN TRAINING THAT
27 INCLUDES AT LEAST THE FOLLOWING:

28 (a) TRAINING CONDUCTED BY A PERSON OR PERSONS WHO ARE KNOWLEDGEABLE
29 IN EXPOSURE CONTROL AND INFECTION PREVENTION IN THE BODY ART SETTING AND
30 WHO ARE APPROVED BY THE LOCAL PUBLIC HEALTH DEPARTMENT.

31 (b) TRAINING AND TRAINING MATERIALS SPECIFIC TO PERFORMING BODY ART
32 THAT INCLUDE A COPY OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
33 BLOODBORNE PATHOGEN STANDARD (29 CODE OF FEDERAL REGULATIONS SECTION
34 1910.1030) AND A COPY AND EXPLANATION OF APPLICABLE COUNTY, CITY OR TOWN
35 ORDINANCES THAT PERTAIN TO BLOODBORNE PATHOGEN TRANSMISSION CONTROL IN
36 BODY ART.

37 (c) A DISCUSSION OF THE TRANSMISSION, CONTROL AND SYMPTOMS OF
38 DISEASES THAT ARE CAUSED BY BLOODBORNE PATHOGENS AND THE TYPES AND USES OF
39 PERSONAL PROTECTIVE EQUIPMENT, SUCH AS DISPOSABLE GLOVES, INCLUDING AN
40 EXPLANATION OF THE LIMITATIONS OF THE EQUIPMENT.

41 (d) INFORMATION ON SIGNAGE REQUIRED FOR BIOHAZARD MATERIALS AND THE
42 IMPORTANCE OF PROPERLY LABELING CHEMICALS AND SUPPLIES.

43 B. A COUNTY THAT REGULATES BODY ART ESTABLISHMENTS SHALL ADOPT
44 STANDARDS THAT ARE AT LEAST AS STRINGENT AS THOSE PRESCRIBED IN SUBSECTION
45 A OF THIS SECTION.

