

SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING THE SANITATION AND SAFETY OF TATTOO ESTABLISHMENTS

WHEREAS, the Southern Nevada Health District (SNHD) has been established by the County of Clark and the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City as the public Health Authority for those entities, and pursuant to Nevada Revised Statutes (NRS) 439; has jurisdiction over all public health matters in the health district; and

WHEREAS, the Southern Nevada District Board of Health (Board) is the governing body of the SNHD, and is authorized to adopt regulations to regulate sanitation and sanitary practices in the interest of public health, and to protect and promote the public health and safety in the geographical area subject to the jurisdiction of the health district; and

WHEREAS, the Board finds that the sanitary and safe practice of tattooing and sanitation and safety of tattoo establishments does affect the public health, and finds that it is necessary to adopt Regulations Governing the Sanitation and Safety of Tattoo Establishments to prevent and control the spread of communicable disease, and to promote and regulate the safety and sanitary condition of those establishments in which tattooing is performed; and

WHEREAS, the Board believes that the following Regulations are designed to protect and promote the public health and safety, it does therefore publish, promulgate and order compliance within Clark County, Nevada with the substantive and procedural requirements hereinafter set forth.

INTENT AND SCOPE

Intent The purpose of these Regulations is to protect and promote the public health, safety and environment through preventive measures and timely correction of public health and environmental issues relating to tattoo establishments.

Scope These Regulations establish definitions; set standards for the location, design, construction, operation, and maintenance of the tattoo establishment; outline requirements for the responsible person, event coordinator, tattoo operators, visiting artists, and patrons of the establishment; detail approved tattoo procedures, prohibited acts, and sterilization standards for equipment used in the establishment; outline record keeping and reporting requirements; provide for the issuance, modification, suspension, and revocation of Health Permits and Health Cards; give requirements for Body Art Special Events; and provide for enforcement.

**SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING THE
SANITATION AND SAFETY OF TATTOO ESTABLISHMENTS**

TABLE OF CONTENTS

Section 1 DEFINITIONS

- 1.1 “Administrative Hearing Officer” defined
- 1.2 “Adulterated cosmetic” defined
- 1.3 “Adulterated device” defined
- 1.4 “Adulterated drug” defined
- 1.5 “Advertisement” defined
- 1.6 “Agency of jurisdiction” defined
- 1.7 “Apprentice” defined
- 1.8 “Approved” defined
- 1.9 “Approved cosmetic” defined
- 1.10 “Approved device” defined
- 1.11 “Approved drug” defined
- 1.12 “Body art” defined.
- 1.13 “Biocide” defined
- 1.14 “Branding” defined
- 1.15 “Camouflage” defined
- 1.16 “Cease and Desist Order” defined
- 1.17 “Chemical Skin Peeling” defined
- 1.18 “Clean” defined
- 1.19 “Communicable disease” defined
- 1.20 “Convenient” defined
- 1.21 “Cosmetic” defined
- 1.22 “Cross-Contamination” defined
- 1.23 “Cutting” defined
- 1.24 “Dermal punching” defined
- 1.25 “Device” defined
- 1.26 “Disinfect” defined
- 1.27 “Disinfectant” defined
- 1.28 “Disinfection” defined
- 1.29 “Disposable article” defined
- 1.30 “Drug” defined
- 1.31 “Environmental Protection Agency (EPA)-Registered” defined
- 1.32 “Environmental surface” defined
- 1.33 “Equipment” defined
- 1.34 “Extreme body modification” defined
- 1.35 “Foot-candle” defined
- 1.36 “Gross incompetence” defined
- 1.37 “Health Authority” defined
- 1.38 “Hot water” defined
- 1.39 “Implantation” defined
- 1.40 “Jewelry” defined

- 1.41 “Laboratory” defined
- 1.42 “Linens” defined
- 1.43 “Medical professional” defined
- 1.44 “Microdermabrasion” defined
- 1.45 “Misbranded cosmetic” defined
- 1.46 “Misbranded device” defined
- 1.47 “Misbranded drug” defined
- 1.48 “Nuisance” defined
- 1.49 “Pathogenic” defined
- 1.50 “Patron” defined
- 1.51 “Permanent makeup” defined
- 1.52 “Permanent makeup establishment” defined
- 1.53 “Potable water” defined
- 1.54 “Public area” defined
- 1.55 “Repigmentation” defined
- 1.56 “Responsible person” defined
- 1.57 “Restroom” defined
- 1.58 “Sanitized” defined
- 1.59 “Scarification” defined
- 1.60 “Sewage” defined
- 1.61 “Skin peeling” defined
- 1.62 “Spore test” defined
- 1.63 “Solid waste” defined
- 1.64 “Standard Precautions” defined
- 1.65 “Sterilization” defined
- 1.66 “Suspension piercing” defined
- 1.67 “Tattoo” defined
- 1.68 “Tattoo camouflage” defined
- 1.69 “Tattoo establishment” defined
- 1.70 “Tattoo establishment Closure Order” defined
- 1.71 “Tattoo establishment Health Permit” defined
- 1.72 “Tattoo establishment Health Permit revocation” defined
- 1.73 “Tattoo establishment Health Permit suspension” defined
- 1.74 “Tattoo operator” defined
- 1.75 “Tattoo Operator Health Card suspension” defined
- 1.76 “Tattoo removal” defined
- 1.77 “Tattoo remover” defined
- 1.78 “Tattooing” defined
- 1.79 “Unregulated (unapproved) invasive body modification” defined
- 1.80 “Visiting artist” defined

Section 2 SUBSTANTIAL HAZARDS TO PUBLIC HEALTH AND SAFETY

Section 3 FACILITIES AND EQUIPMENT

- 3.1 Body art work stations**
- 3.2 Floors**
- 3.3 Walls, ceilings, and closures**
- 3.4 Tattoo tables and chairs**
- 3.5 General furniture**
- 3.6 Lighting**
- 3.7 Smoke alarms**
- 3.8 Heating and ventilation systems**
- 3.9 Hand sinks and restrooms**
- 3.10 Water supply**
- 3.11 Plumbing**
- 3.12 Water damage evaluation**
- 3.13 Solid waste disposal**
- 3.14 Sewage disposal**
- 3.15 Outdoor areas**
- 3.16 Sharp objects used in tattoo procedures**
- 3.17 Service animals**

Section 4 GENERAL SANITATION AND STERILIZATION

- 4.1 Public areas**
- 4.2 Cleaning and sanitizing**
- 4.3 Sterilization**
- 4.4 Sterilizer testing**
- 4.5 Dyes and pigments**
- 4.6 Materials used in tattoo preparation and application**

Section 5 RESPONSIBLE PERSON AND EVENT COORDINATOR

- 5.1 Responsible person**
- 5.2 Event coordinator**

Section 6 TATTOO OPERATORS AND VISITING ARTISTS

- 6.1 Tattoo operators**
- 6.2 Tattoo operator training and other requirements**
- 6.3 Visiting artists**
- 6.4 Failure to comply**

Section 7 PATRONS

- 7.1 Patron age requirements and other age restrictions**
- 7.2 Patron advisements**
- 7.3 Patron assessments**
- 7.4 No food, beverage, or smoking in tattoo area**
- 7.5 Record keeping**
- 7.6 Failure to comply**

Section 8 TATTOO PROCEDURES

- 8.1 Preparing for tattoo procedure**
- 8.2 Single use items-rules and prohibitions**
- 8.3 Linens**
- 8.4 Biohazardous events and solid waste disposal**
- 8.5 After care instructions**
- 8.6 Infection reporting required**
- 8.7 Prohibited acts**

Section 9 HEALTH PERMIT REQUIREMENTS AND FEES

- 9.1 Tattoo establishment Health Permit required**
- 9.2 Tattoo establishment Health Permit exemptions and prohibitions**
- 9.3 Applications for and issuance of tattoo establishment Health Permits to operate**
- 9.4 Tattoo establishment Health Permit issuance**
- 9.5 Tattoo establishment Health Permit fee schedule**
- 9.6 Tattoo establishment Health Permit posted**
- 9.7 Failure to Comply with Health Permit requirements**

Section 10 HEALTH CARD REQUIREMENTS AND FEES

- 10.1 Application for Tattoo Operator Health Card**
- 10.2 Application acceptance dates**
- 10.3 Items required for application**
- 10.4 Written exam**
- 10.5 Exam Study and organizational materials**
- 10.6 Completion of application process**
- 10.7 Tattoo Operator Health Card issuance**
- 10.8 Hepatitis A and B vaccination or proof of immunity**
- 10.9 Tattoo Operator Health Card renewal**
- 10.10 Expired Tattoo Operator Health Cards**
- 10.11 Current Tattoo Operator Health Card in tattoo operator's possession**
- 10.12 Applicant or tattoo operator's responsibilities**
- 10.13 Tattoo establishment Health Permit holder's joint responsibility**

Section 11 BODY ART SPECIAL EVENTS AND PERMITS

- 11.1 Special Event permit application**
- 11.2 Special Event coordinator**
- 11.3 Special Event operator fee**
- 11.4 Special Event operational requirements**
- 11.5 Special Event Client Consent Form and patron instructions**
- 11.6 Special Event Permit suspension**

Section 12 PLAN REVIEW SUBMISSION AND APPROVAL

- 12.1 Regulation of new construction and renovation of a tattoo establishment**
- 12.2 Plans for construction and remodeling**
- 12.3 Application fees**
- 12.4 Change of ownership**

Section 13 INSPECTIONS

- 13.1 Agent of Health Authority identification**
- 13.2 Responsible person must provide immediate access to Health Authority**
- 13.3 Unlawful to interfere with Health Authority**
- 13.4 Health Authority must provide written report**
- 13.5 Failure to correct a deficiency**
- 13.6 Frequency of inspection**

Section 14 ENFORCEMENT

- 14.1 Cease and Desist Orders and tattoo establishment Closure Orders**
- 14.2 Reinspection protocol for Cease and Desist Orders and tattoo establishment Closure Orders**
- 14.3 Tattoo establishment Health Permit suspension**
- 14.4 Procedure for request of tattoo establishment Health Permit reinstatement**
- 14.5 Tattoo establishment Health Permit revocation**
- 14.6 Appeal rights**
- 14.7 Health Authority additional legal remedy**

Section 15 MISCELLANEOUS

- 15.1 Severability clause**
- 15.2 Effective date**

Appendix A	Nevada Revised Statutes (NRS) Chapter 585, <i>Food, Drugs, and Cosmetics: Adulteration; Labels; Brands</i>
Appendix B	Nevada Administrative Code (NAC) Chapter 585, <i>Drugs and Cosmetics</i>
Appendix C	Standard Precautions
Appendix D	Biohazard Symbol Example
Appendix E	Hepatitis A and B Vaccination Record
Appendix F	Visiting Artist Application
Appendix G	Tattoo Establishment Health Permit Application
Appendix H	Public Notice
Appendix I	Special Event Application

Section 1

DEFINITIONS

Summary of abbreviations of terms used in these Regulations

EPA	United States Environmental Protection Agency
°F	Degrees Fahrenheit
FDA	United States Food and Drug Administration
ISDS	Individual Sewage Disposal System
NAC	Nevada Administrative Code
NRS	Nevada Revised Statutes
ppm	Parts per million
SNHD	Southern Nevada Health District
SNWA	Southern Nevada Water Authority

As used in these Regulations, unless the context otherwise requires, the following words and terms defined have the meanings ascribed to them in this document.

1.1 “Administrative Hearing Officer” defined. An **Administrative Hearing Officer** is the Administrator or any person designated by him to conduct a hearing relating to a citation or notice issued by the Health Authority pursuant to these Regulations.

1.2 “Adulterated cosmetic” defined. An **adulterated cosmetic** is any cosmetic that:

Bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual;

Consists in whole or in part of any filthy, putrid, or decomposed substance;

Has been produced, prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth or rendered injurious to health;

Has a container that is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

Is not a hair dye and it is or it bears or contains a color additive which is unsafe within the meaning of the federal act. (NRS 585.500)

[See Appendix A for the full text of Nevada Revised Statutes (NRS), *Food, Drugs, and Cosmetics: Adulteration; Labels; Brands* and Appendix B for Nevada Administrative Code (NAC) 585, *Drugs and Cosmetics*]

1.3 “Adulterated device” defined. Adulterated device means any device that

Consists in whole or in part of any filthy or decomposed substance;

Has been produced, prepared, packed, or held under unsanitary conditions whereby it may have been rendered injurious to health;

Has a strength that differs from or quality that falls below what it purports or is represented to possess.

Deviations of the standard strength or quality set forth in the compendium do not, alone, make a device adulterated as long as those deviations are clearly stated on its label. (NRS 585.370-390)

1.4 “Adulterated drug” defined. An Adulterated drug is any drug that

Consists in whole or in part of any filthy or decomposed substance;

Has been produced, prepared, packed, or held under unsanitary conditions whereby it may have been rendered injurious to health;

Is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
Is a drug and it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch certified under the authority of the Federal Act.

Is represented as a drug, the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in the compendium. The determination as to strength, quality, or purity must be made in accordance with the tests or methods of assay set forth in the compendium or, in the absence of or inadequacy of those tests or methods of assay, those prescribed pursuant to the Federal Act. A drug which is defined in an official compendium shall not be deemed to be adulterated under this section because it differs from the standard of strength, quality, or purity set forth in the compendium if that difference is plainly stated on its label.

Has a strength that differs from or a purity or quality that falls below that which it purports or is represented to possess *even if* the drug is not listed in the official compendium.

Is a drug and any substance has been mixed or packed with it so as to reduce its quality or strength; or substituted wholly or in part for it. (NRS 585.370-390)

- 1.5 **“Advertisement”** defined. **Advertisement** includes all representations disseminated in any manner or by any means, other than labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs, devices, or cosmetics. (NRS 585.030)
- 1.6 **“Agency of jurisdiction”** defined. The **agency of jurisdiction** is the local building department, safety authority, fire marshal, business licensing, police or other federal, state or local health agency, federal regulatory agencies, departments of agriculture, other than the Health Authority, having jurisdiction concerning construction, operation, maintenance, and public safety of a tattoo establishment.
- 1.7 **“Apprentice”** defined. An **apprentice** is a person who is engaged in learning the occupation of a tattoo operator in a tattoo establishment and who is registered with the Health Authority to practice tattoo application as a tattoo operator’s apprentice.
- 1.8 **“Approved”** defined. **Approved** means acceptable to the Health Authority based on conformance with adopted Regulations, good public health practices and recognized industry standards.
- 1.9 **“Approved cosmetic”** defined. An **approved cosmetic** is a cosmetic which is specifically approved by the Health Authority for its intended use within a tattoo establishment.
- 1.10 **“Approved device”** defined. An **approved device** is a medical or other device which is specifically approved by the Health Authority for its intended use within a tattoo establishment by a person authorized to operate the device such as a licensed medical technician.
- 1.11 **“Approved drug”** defined. An **approved drug** is a drug which is specifically approved by the Health Authority for its intended use by a person authorized to administer the drug within a tattoo establishment, such as a licensed medical technician.
- 1.12 **“Biocide”** defined. A **biocide** is a chemical agent capable of killing microorganisms.
- 1.13 **“Body art”** defined. **“Body art”** includes body piercing, permanent makeup, tattoo, and tattoo camouflage.
- 1.14 **“Branding”** defined. **Branding** is a form of extreme body modification and scarification using a super-heated metal object, chemical, or electricity to burn an image into the human body.

- 1.15 **“Camouflage”** defined. **Camouflage** is a method of disguising or concealing permanently blotchy or irregularly pigmented skin, acne scarring or other permanent skin irregularities by the use of blending pigments into the skin.
- 1.16 **“Cease and Desist Order”** defined. A **Cease and Desist Order** is a written Order issued by the Health Authority which directs the responsible person to immediately stop doing or allowing a specific action to occur at a tattoo establishment. A Cease and Desist Order does not include a direction to completely cease operating a tattoo establishment. Under certain circumstances, a Cease and Desist Order can include a timeframe to achieve compliance with the Order so long as there is not an imminent threat to public health or safety.
- 1.17 **“Chemical skin peeling”** defined. **Chemical skin peeling** is a method for removing the superficial layer of the skin. One or more peeling chemicals are applied to the skin resulting in destruction of the superficial part of the skin. This allows a new layer of skin lining to develop.
- 1.18 **“Clean”** defined. **Clean** means free of visible dirt, dust, sludge, foam, slime (including algae and fungi), bodily excretions or secretions, rust, scale, mineral deposits, accumulation of impurities, and/or other foreign material.
- 1.19 **“Communicable disease”** defined. A **communicable disease** is a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism.
- 1.20 **“Convenient”** defined. **Convenient** means located on the same floor and the same wing, where applicable. The maximum convenient distance is 200 feet unless further distance has been approved in writing by the Health Authority.
- 1.21 **“Cosmetic”** defined. A **cosmetic** is an article intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the appearance, including wigs, hairpieces and postiches; and articles intended for use as a component of any such articles. “Cosmetic” shall not include soap. (NRS 585.060)
- 1.22 **“Cross-contamination”** defined. **Cross-contamination** is the transfer of pathogenic microorganisms to previously sanitized or sterilized surfaces, equipment, or products.
- 1.23 **“Cutting”** defined. **Cutting** is a method of extreme body modification and scarification which creates scars on the skin by using a sharp object, such as a scalpel or knife, to cut into the skin. Cutting is differentiated from a method called “skin peeling” in that no tissue is removed to create the scar during the cutting method.

- 1.24 “**Dermal punching**” defined. **Dermal punching** is a method of creating piercings in the body, which removes a segment of tissue, as opposed to traditional piercing, which makes a half moon shaped slice in the tissue. It is generally used when large gauge jewelry insertion is desired at the time of the procedure.
- 1.25 “**Device**” defined. **Device** means instruments, apparatus and contrivances, including their components, parts and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or to affect the structure or any function of the body of man or other animals.
- 1.26 “**Disinfect**” defined. **Disinfect** means to carry out a process which kills most or significantly reduces pathogenic microorganisms.
- 1.27 “**Disinfectant**” defined. A **disinfectant** is an EPA-registered antimicrobial agent, such as a chemical, or heat that destroys, neutralizes, or inhibits the growth of pathogenic microorganisms. All chemical disinfectants must provide a strength equivalent to at least 100 ppm of free available chlorine at a pH of 7.0 to 7.6 in their normal use concentration.
- 1.28 “**Disinfection**” defined. **Disinfection** is a process that reduces the number of pathogenic microorganisms, but not necessarily bacterial spores, from inanimate objects or skin, to a level which is not harmful to health.
- 1.29 “**Disposable article**” defined. A **disposable article** is an item such as a disposable razor, razor blade, paper product, drape, stencil, transfer or mimeograph paper, wooden spatula, tube, container, needle, sharp, paper towel, or any other similar item which is intended or designated to be discarded after single use or after use on a single patron during one session of tattoo application.
- 1.30 “**Drug**” defined. A **Drug** is:
- An article recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National Formulary, or any supplement to any of them;
- An article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;
- An article, other than food, intended to affect the structure or any function of the body of man or other animals; and
- An article intended for use as a component of any article specified in the above paragraphs.

- 1.31 **“Environmental Protection Agency (EPA)-Registered”** defined. **Environmental Protection Agency (EPA)-Registered** means any chemical or substance, including sanitizers, sterilizers, biocides, pesticides or other substances, which is registered with the United States EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) prior to their distribution and use by industry and consumers.
- 1.32 **“Environmental surface”** defined. An **environmental surface** is the surface of any furniture, equipment, fixtures, walls, floors, ceilings, lavatories, toilets, tables, countertops, cabinets, or similar surface which is part of a tattoo establishment.
- 1.33 **“Equipment”** defined. **Equipment** is any tattoo machine, tattoo gun, sterilizer, or similar item used in preparing for tattoo application, tattoo application itself, and cleanup and sterilization following tattoo application. This definition excludes disposable or single-use articles which are discarded after use.
- 1.34 **“Extreme body modification”** defined. **Extreme body modification** is any method, other than tattoo, permanent makeup, or body piercing methods used to alter the appearance, sensation, or function of the human body for decorative or cultural purposes. Some examples include, but are not limited to, scarification (branding, cutting, skin peeling), implantation, suspension piercing, dermal punching, single point piercing, voluntary amputation, tongue and penis splitting, and neck rings. Techniques of extreme body modification are considered medical or surgical procedures and are prohibited acts in Health Permitted tattoo, body piercing, or permanent makeup establishments.
- 1.35 **“Foot-candle”** defined. **Foot-candle** is a unit of measure of the intensity of light falling upon a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.
- 1.36 **“Gross incompetence”** defined. **Gross incompetence** means a serious lack of ability or knowledge to perform one’s duty in a sanitary manner or failure to comply with these Regulations. It shall also mean any conduct which endangers public health or safety.
- 1.37 **“Health Authority”** defined. **Health Authority** means the officers and agents of the Board and the SNHD.
- 1.38 **“Hot water”** defined. **Hot water** is water that attains and maintains a temperature between 90 and 120 degrees Fahrenheit (°F). Each use of hot water in a tattoo establishment may require a more specific temperature range.
- 1.39 **“Implantation”** defined. **Implantation** is a form of extreme body modification where items such as shaped metal are placed under the skin to produce the outline and texture of the desired image on the surface of the skin or a protrusion from the surface of the body.

- 1.40 “Jewelry” defined.** **Jewelry** is any personal ornament inserted into a pierced area, which must be made of surgical implant-grade stainless steel, solid 14 karat (k) or 18k white or yellow gold, niobium, titanium, platinum, or approved plastics and which is free of nicks, scratches, or irregular surfaces.
- 1.41 “Laboratory” defined.** A **laboratory** is a place equipped for experimental study in a science or for testing and analysis.
- 1.42 “Linens” defined.** **Linens** include sheets, covers, blankets, pillow cases, drapes, towels, or any other similar item used to cover a table, mat, or a patron during a tattoo procedure.
- 1.43 “Medical professional” defined.** A **medical professional** is a licensed, certified, or registered provider of health care such as a physician, physician assistant, osteopathic physician, advanced practitioner of nursing, registered nurse, podiatric physician, or a licensed hospital as the employer of any such person.
- 1.44 “Microdermabrasion” defined.** **Microdermabrasion** is a facial exfoliation procedure in which the skin is "sandblasted" with ultra-fine crystals of aluminum-oxide or other ingredients to remove the top layer of skin.
- 1.45 “Misbranded cosmetic” defined.** A **misbranded cosmetic** is a cosmetic that
- Has in any way false or misleading labeling;
- Does not bear a label that has, at a minimum, the name and place of business of the manufacturer, packer, and distributor; and an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;
- Has a container that is made, formed, or filled to be misleading. (NRS 585.510)
- 1.46 “Misbranded device” defined.** A **misbranded device** is a device that
- Has in any way false or misleading labeling (NRS 585.410);
- Does not bear a label that has, at a minimum, the name and place of business of the manufacturer, packer, and distributor; and an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count (NRS 585.420);
- If for use by humans, contains any quantity of narcotic or hypnotic substances or any chemical derivative thereof, unless its label bears the name and quantity or proportion of such substance or derivative and, in juxtaposition therewith, the statement “Warning—May be habit forming” (NRS 585.430);

Does not have a label that bears adequate directions for use and adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods, duration, administration, or application in such manner and form as are necessary for the protection of users (NRS 585.440);

Is dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof (NRS 585.470).

1.47 “Misbranded drug” defined. A misbranded drug is a drug that

Has in any way false or misleading labeling;

Does not bear a label that has, at a minimum, the name and place of business of the manufacturer, packer, and distributor; and an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. Labels affixed by a pharmacist are not required to include the name and place of business of the manufacturer, packer, or distributor;

If a prescription drug in its final dosage form intended for use by a human being, does not bear a label with the name and place of business of the manufacturer, and, if different, the name and place of business packer or distributor;

If for use by man, contains any quantity of narcotic or hypnotic substances or any chemical derivative thereof, unless its label bears the name and quantity or proportion of such substance or derivative and, in juxtaposition therewith, the statement “Warning—May be habit forming;”

Is not designated solely by a name recognized in an official compendium unless its label bears the common or usual name of the drug, if there is one, and in the case of a drug fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromide, ether, chloroform, acetanilid, acetophenetidin, amidopyrine, antipyrine, atrophine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances contained therein.

Does not have a label that bears adequate directions for use and adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods, duration, administration, or application in such manner and form as are necessary for the protection of users;

Is a drug and its container is so made, formed, or filled as to be misleading.

Is an imitation of another drug or is offered for sale under the name of another drug;

Is dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof;

Is a drug sold at retail for use by man and contains any quantity of amidopyrine, barbituric acid, cinchophen, dinitrophenol, or sulfanilamide, unless it is sold on a written prescription signed by a member of the medical, dental, or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental, or veterinary profession.

- 1.48** “**Nuisance**” defined. A **nuisance** is anything, which is injurious to health, or offensive to the senses, so as to interfere with the comfort or endanger the health or safety of the public as defined by NRS 202.450.
- 1.49** “**Pathogenic**” defined. “**Pathogenic**” means the ability to produce disease.
- 1.50** “**Patron**” defined. A **patron** is any person other than an employee, responsible person, tattoo operator, or visiting artist, either paying or non-paying, that uses the services of a tattoo establishment and/or with whom a tattoo operator or visiting artist has an agreement to provide tattooing services. Anyone, including an employee of the tattoo establishment who is undergoing a tattoo procedure, is considered a patron.
- 1.51** “**Permanent makeup**” defined. **Permanent makeup** is synonymous with cosmetic tattooing and includes the application of permanent eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage using tattooing techniques of placing pigments under the skin.
- 1.52** “**Permanent makeup establishment**” defined. A **Permanent makeup establishment** is a place of business or other premises, whether or not operated for profit, where permanent makeup is applied, done, offered, sold or given whether advertising as a “parlor,” “salon,” “permanent makeup,” “cosmetic tattooing,” “body art” or other description.
- 1.53** “**Potable water**” defined. **Potable water** is water that is safe for human consumption.
- 1.54** “**Public area**” defined. A **public area** is any area open to public view, whether indoors or outdoors to which the public has approved access, excluding individual body art work stations and restrooms, at a tattoo establishment.

- 1.55 “Repigmentation” defined. Repigmentation** is recoloration of the skin which has lost natural color as a result of burns, dermabrasion, chemical peels, removal of birthmarks, vitiligo or skin conditions which result in permanent loss of melanin from the skin; scars as a result of surgical procedures or trauma; and re-creation of an areola or nipple following mastectomy.
- 1.56 “Responsible person” defined. The responsible person** is the individual designated by the tattoo establishment as being responsible for compliance with these Regulations.
- 1.57 “Restroom” defined. A restroom** is a public room that contains one or more toilets and one or more lavatories.
- 1.58 “Sanitized” defined. Sanitized** means the treatment of equipment, utensils, and surfaces using a process which has been approved by the Health Authority as being effective in destroying pathogenic microorganisms.
- 1.59 “Scarification” defined. Scarification** is a form of extreme body modification that uses methods or techniques to produce scars on the human body for decorative purposes. Examples of scarification methods include branding, cutting, and skin peeling.
- 1.60 “Sewage” defined. Sewage** is the water-carried human or animal waste from residences, buildings, industrial establishments, feedlots or other places, together with such ground water infiltration and surface water as may be present. The term includes the mixture of sewage with wastes or industrial wastes and gray water.
- 1.61 “Skin peeling” defined. Skin peeling** is a technique of extreme body modification and scarification which consists of cutting on the human body the outline of a design and removing the center, thereby creating a scar where the skin was removed.
- 1.62 “Spore test” defined. A spore test** is a bacterial endospore test designed to assess whether sterilization has actually occurred. Also known as biological spore test or biological spore monitor.
- 1.63 “Solid waste” defined. Solid waste** is all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, and solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive.

- 1.64 “Standard Precautions” defined. Standard Precautions**, formerly referred to as “Universal Precautions,” are standard procedures used by employees to prevent transmission of disease from contact with blood or other body fluids which includes the following elements: hand washing after patron contact; using gloves when touching blood, bodily fluids, secretions, excretions, and contaminated items; using mask, eye protection, and protective clothing during procedures likely to generate exposure; handling contaminated equipment and linens in a manner that prevents the transfer of microorganisms to people or equipment; proper disposal of needles and other sharp instruments and blood- and body fluid-contaminated products, practicing care when handling sharps, and using a mouthpiece barrier device or other ventilation device as an alternative to mouth-to-mouth resuscitation. (See **Appendix C, Standard Precautions**).
- 1.65 “Sterilization” defined. Sterilization** means destruction of all forms of microbial life including bacterial and fungal spores.
- 1.66 “Suspension piercing” defined. Suspension piercing** is the act of hanging the human body from or partially from hooks pierced through the flesh in various places around the body.
- 1.67 “Tattoo” defined. A tattoo** is an indelible mark, figure or decorative design, fixed upon the body of a live human being by insertion of dyes or pigments into or under the skin.
- 1.68 “Tattoo camouflage” defined. Tattoo camouflage** means using tattooing methods to cover up, mask, or alter an existing tattoo so that it is either rendered less noticeable or takes on a different design, thereby obliterating the original design. Flesh-colored ink is often tattooed over the design to render it less visible. Tattoo camouflage *is not* tattoo removal. Using tattoo methods to insert saline is considered tattoo camouflage. Tattoo camouflage is an approved act. Tattoo removal is a prohibited act.
- 1.69 “Tattoo establishment” defined. A tattoo establishment** is a place of business or other premises, whether or not operated for profit, where tattoos are done, offered, sold or given whether advertising as a “tattoo parlor”, “tattoo salon”, “body jewelry” or other description.
- 1.70 “Tattoo establishment Closure Order” defined. A tattoo establishment Closure Order** is a written notification to cease immediately all business operations of a tattoo establishment.

- 1.71 **“Tattoo establishment Health Permit”** defined. A **tattoo establishment Health Permit** is written approval by the SNHD to operate a tattoo establishment under the provisions of these Regulations. Approval is given in accordance with these Regulations and is separate from any other licensing requirements of other agencies of jurisdiction that may exist within communities or political subdivisions comprising the SNHD.
- 1.72 **“Tattoo establishment Health Permit revocation”** defined. A **tattoo establishment Health Permit revocation** occurs when the Health Authority permanently revokes approval to operate a tattoo establishment based on cause due to the presence of significant health and safety hazards.
- 1.73 **“Tattoo establishment Health Permit suspension”** defined. A **tattoo establishment Health Permit suspension** occurs when the Health Authority suspends, for an indefinite period of time, permission to operate a tattoo establishment based on cause due to the presence of significant health and safety hazards that are establishment wide or are of such severity to cause an imminent hazard to the health and safety of patrons and employees. Suspensions may lead to eventual tattoo establishment Health Permit Revocation.
- 1.74 **“Tattoo operator”** defined. A **tattoo operator** is a person issued a Tattoo Operator Health Card under the provisions of these Regulations set forth in **Section 10** to practice tattooing.
- 1.75 **“Tattoo Operator Health Card suspension”** defined. **Tattoo Operator Health Card suspension** means that the individual tattoo operator to whom the Health Card was issued is not permitted to conduct any tattoo procedures while the Health Card is suspended. Suspended tattoo operators will be notified, in writing, when and under what conditions (if any) their Tattoo Operator Health Card will be reissued to them so that they may legally resume their profession.
- 1.76 **“Tattoo removal”** defined. **Tattoo removal** means using any method or substance to remove tattoo ink from the human body. Legitimate methods include laser treatments by a licensed medical professional. Illegitimate, unapproved methods include using chemicals such as caustics or medical devices in unapproved ways by individuals not licensed or qualified to administer such substances or procedures.
- 1.77 **“Tattoo remover”** defined. **Tattoo remover** is any substance sold, applied, distributed, or otherwise made available to individuals for the purpose of removing tattoo ink from the human body.

1.78 “**Tattooing**” defined. **Tattooing** is any method of placing a pigment or dye into or under the skin by the use of needles or any other instruments designed to puncture the skin.

Cosmetic tattooing includes eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage. It is also commonly known as “permanent makeup.”

Figurative or decorative tattooing includes outlining or shading and the use of different sizes and configurations of needles to tattoo a design on a patron.

1.79 “**Unregulated (unapproved) invasive body modification**” defined. “**Unregulated (unapproved) invasive body modification**” means the act of performing branding, cutting, dermal punching, implantation, scarification, suspension piercing, or any other extreme body modification not otherwise specifically approved in these Regulations, saline injection, or tattoo removal using tattoo methods that insert any substance other than tattoo ink or an approved saline solution into or under the skin; insertion of any substance other than tattoo ink into or under the skin; use of any drug or cosmetic other than topical over-the-counter anesthetic; and/or performing any recognized medical procedure not specifically approved in these Regulations by any person other than a licensed medical professional.

1.80 “**Visiting artist**” defined. A **visiting artist** is an individual tattoo operator who does not reside or routinely operate within the jurisdiction of the Health Authority, but who may occasionally perform tattoo procedures during a limited timeframe in a designated sponsoring tattoo establishment. Such individuals must be sponsored by a tattoo establishment which holds a current Health Permit in good standing issued by the Health Authority.

Section 2

SUBSTANTIAL HAZARDS TO PUBLIC HEALTH AND SAFETY

Substantial hazards to public health and safety include, but are not limited to:

- 2.1** Substantial damage to the tattoo establishment caused by earthquake, wind, fire, rain, or flood.
- 2.2** Loss of electrical power to critical systems, such as lighting, heating, cooling, or ventilation controls, or sterilization equipment for a period of two (2) or more hours.
- 2.3** A water outage to the entire tattoo establishment for a period of two (2) or more hours.
- 2.4** A water supply that is not approved by the Health Authority.
- 2.5** A defect or condition exists in the system supplying potable water that may result in the contamination of the water.
- 2.6** A cross-connection between the potable and non-potable water distribution systems, such as landscape irrigation, air conditioning, heating, and/or fire suppression.
- 2.7** A back siphonage.
- 2.8** Sewage that is not disposed of in an approved and sanitary manner.
- 2.9** Improperly installed toilet or hand washing facilities.
- 2.10** Infestation, harborage, or propagation of vermin.
- 2.11** The presence of toxic or noxious gases, vapors, fumes, mists, or particulates in concentrations immediately dangerous to life or health, or in concentrations sufficient to cause an environmental disease or a public nuisance.
- 2.12** The presence within the tattoo establishment of any pesticide not approved by the EPA, including any evidence of indiscriminate use of a pesticide, or herbicide which may be injurious to the health of humans.
- 2.13** The presence of any disease-causing organism in water exposed to the atmosphere at a level which has caused or is likely to cause an environmental disease in the tattoo establishment.

- 2.14 A tattoo operator or other employee infected with a communicable disease which represents an immediate hazard to fellow employees or patrons.
- 2.15 Responsible persons or tattoo operators not practicing strict standards of cleanliness, personal hygiene, and Standard Precautions.
- 2.16 Equipment that by condition, design, construction, or use poses an immediate risk of entrapment, fall, puncture, pinch, crush, tip, or other cause of injury.
- 2.17 Environmental surfaces, furnishings, mats, tattoo tables, pillows, cushions, linens, robes, garments, chairs, or other items within a tattoo establishment that are stained with blood or bodily fluids, soiled, or infested with vermin; or are in an otherwise unsanitary condition.
- 2.18 Any unmitigated biohazardous event that simultaneously involves more than one (1) individual, body art work station, or a public area exceeding 200 square feet.
- 2.19 Missing or inoperable smoke detection equipment.
- 2.20 Inability of heating and cooling equipment to maintain the room temperatures between 60°F and 90°F in all rooms and areas within the tattoo establishment used by patrons.
- 2.21 The presence of uncontrolled putrescible waste within the tattoo establishment, on the establishment grounds, or in waste accumulation and disposal areas in quantity and duration as to create a nuisance.
- 2.22 Improper disposal of biohazardous or potentially biohazardous wastes.
- 2.23 Any sharp instrument such as a needle or razor that is not appropriately placed in a sharps container IMMEDIATELY after use.
- 2.24 Reuse of any disposable or single-use equipment or pigments on another patron or on the same patron during a different tattooing session.
- 2.25 Lack of proper sterilization of needles, tubes or any part of the tattoo machine that comes in contact with the pigment or breaks the skin, when the items are not presterilized by the manufacturer prior to purchase.
- 2.26 A lack of adequate, currently tested, and fully functional sterilization equipment on the premises in strict compliance with **Section 4** of these Regulations.
- 2.27 All illegal clandestine drug laboratories and related activities.

2.28 If the substantial health hazard affects people or is unmitigated, then the Health Authority shall be notified by the tattoo establishment either during normal business hours at the Environmental Health Division phone number or after normal business hours through the 24-hour hotline. Such occurrences which have been corrected by the tattoo establishment must be reported to the Health Authority within normal hours the next business day.

Section 3 FACILITIES AND EQUIPMENT

3.1 Body art work stations

- 3.1.1 There shall be a minimum of one hundred (100) square feet of floor space provided for each tattoo operator in the establishment.
- 3.1.2 Each body art work station shall have a tattoo area that can be screened from the public to provide privacy and/or a private cubicle available.

3.2 Floors

- 3.2.1 All floors found in the tattoo area or restroom shall be made of a smooth, durable, nonabsorbent, nonporous material that is easily cleanable and can be maintained in a sanitary manner at all times.
- 3.2.2 Carpet is prohibited in the tattoo and restroom areas.
- 3.2.3 Every other floor and every floor covering not present in a tattoo area or restroom, such as lobby carpeting, must be kept clean and in good repair, sanitized or replaced so that it will not become a hazard to safety or health.
- 3.2.4 Every concrete, tile, ceramic and vinyl floor installed in the tattoo area or restroom must be coved at the junctures between the floor and the walls. All material used to cove the junctures must be fitted snugly to the floor and the walls so there are no openings large enough to permit the entrance of vermin.

3.3 Walls, ceilings, and closures

- 3.3.1 All environmental surfaces, including walls, ceilings less than eight feet in height, and closures found in the tattoo area or restroom shall be made of a smooth, durable, nonabsorbent and nonporous material that is easily cleanable and can be maintained in a sanitary manner at all times.
- 3.3.2 All walls, ceilings, doors, windows, skylights, other closures, fixtures, and decorative material must be kept clean and in good repair.
- 3.3.3 The materials used in constructing the walls and ceilings must be joined along the edges so there are no open spaces or cracks.
- 3.3.4 Studs, joists, rafters, and beams must not be left exposed in tattoo areas or restrooms. If left exposed in other areas, these structural members must be suitably finished and kept clean and in good repair.

3.4 Tattoo tables and chairs

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

3.5 General furniture

All furniture that is not used in performing a tattoo procedure, such as chairs provided for lobby area seating must be cleanable, kept in good repair, and maintained in a clean and sanitary condition.

3.6 Lighting

3.6.1 An artificial light source that gives off at least twenty (20) foot candles ambient light measured at thirty (30) inches above floor level must be provided at all times.

3.6.2 At least fifty (50) foot candles of light shall be provided at the level where the tattoo is being performed.

3.7 Smoke alarms

Each distinct area of the tattoo establishment must be equipped with at least one working smoke alarm that is installed, maintained, and tested according to existing fire codes.

3.8 Heating and ventilation systems

3.8.1 Each system for heating, cooling, or ventilation must be properly maintained and operational at all times.

3.8.2 The establishment shall have mechanical heating and air conditioning equipment sufficient to maintain the facility at a temperature of 68°F to 82°F.

3.8.3 Ventilation equipment must be able to prevent moisture accumulation on environmental surfaces.

3.9 Hand sinks and restrooms

3.9.1 Hand sinks with hot and cold running water shall be located in each tattoo area/body art work station. Hand sinks must be supplied with liquid soap and disposable paper towels, both in dispensers.

3.9.2 Restrooms with hand sinks shall be provided. All restrooms must be supplied with liquid soap, disposable paper towels, and a supply of toilet paper. All supplies must be in dispensers.

- 3.9.3 Adequate covered solid waste containers shall be provided in each work station and restroom for disposal of debris and trash. These containers shall be easily cleanable, kept clean, and be emptied daily.

3.10 Water supply

- 3.10.1 The potable water supply for each tattoo establishment must be from a source approved by the State of Nevada Division of Environmental Protection, Bureau of Safe Drinking Water and must meet all NRS 445A requirements.
- 3.10.2 Each tattoo establishment must be supplied with or have available a hot and cold potable water supply that meets all sanitary purposes.

3.11 Plumbing

- 3.11.1 The potable water system must be installed and maintained in such a manner that there is no cross connection between it and any other system.
- 3.11.2 If a device used to prevent backflow or back siphonage is necessary, it must be installed on a potable water system in compliance with the standards for construction, installation, maintenance, inspection, and testing outlined in the most current Plumbing Code adopted by the agency of jurisdiction.
- 3.11.3 The written results of annual backflow prevention device testing must be made available at the tattoo establishment for Health Authority review.

3.12 Water damage evaluation

- 3.12.1 Whenever evidence of significant water/moisture intrusion from any source is found within or on the walls, ceilings, attic spaces, crawl spaces, floors, carpeted surfaces, ventilation ducts, insulation, or other materials or areas which may promote the growth of mold, the source of the water or moisture must be identified and stopped to prevent or reduce mold growth.
- 3.12.2 Whenever a need arises to conduct a large-scale mold remediation affecting more than 1,000 square feet within a tattoo establishment, the Health Authority must be notified in writing of actions taken.

3.13 Solid waste disposal

- 3.13.1** Each tattoo establishment must have solid waste containers of sufficient number and size to store all the solid waste in a manner that does not exceed the waste containers' capacities until the solid waste is removed. Tattoo establishments may use common solid waste dumpsters when the tattoo establishment is incorporated within a mall or other multi-business facility.
- 3.13.2** If the solid waste is not being removed in a manner that prevents a public health nuisance or danger, the Health Authority shall direct the responsible person at the tattoo establishment to increase their solid waste container capacity and/or increase the frequency of scheduled pickups until adequate removal of the solid waste is achieved.
- 3.13.3** The solid waste containers must be:
 - 3.13.3.1** Kept at locations approved by the Health Authority.
 - 3.13.3.2** Emptied at least twice weekly. The frequency of solid waste removal must be at an interval which prevents putrescible waste from becoming a nuisance even if such frequency is more often than twice weekly.
 - 3.13.3.3** Kept covered and closed with a tight fitting lid at all times except when being filled, emptied, or cleaned, unless the equipment is specifically designed to be operated as an open dumpster or trash compactor.
 - 3.13.3.4** Kept clean. Facilities for washing them must be provided and operated in a sanitary manner or appropriate contracts with a solid waste disposal company must be in place to clean and/or replace waste containers that become excessively dirty.

3.14 Sewage disposal

- 3.14.1** All sewage carried by water must be disposed of by means of public sewerage or by a system for disposal such as an ISDS, which is approved by the Health Authority.
- 3.14.2** If the tattoo establishment intends to discharge its sewage to an ISDS, the facility must submit plans for review and approval and obtain a permit for the ISDS from the Health Authority for that purpose.
- 3.14.3** Any sewage discharge, sewer pipe leaks, spills, or backflow onto the ground must be stopped and/or contained within four (4) hours or the facility may be subject to closure by the Health Authority.

3.14.4 All sewage spills must be remediated in a manner that eliminates potential disease transmission, offensive odors, sewage solids, and sewage litter.

3.15 Outdoor areas

All outdoor areas including, but not limited to, parking areas, walkways, landscaped areas, storage areas, and undeveloped grounds must have sufficient drainage to prevent water from collecting and stagnating in pools, and must be kept clean and free of any health hazards.

3.16 Sharp objects used in tattoo procedures

A sealable, rigid (puncture-proof) sharps container that is strong enough to protect the tattoo operator, patrons and others from accidental cuts or puncture wounds must be provided for disposal of sharp objects that come in contact with blood and/or body fluids. The sharps container must be properly labeled with the international biohazard symbol. (See examples of biohazard symbols in **Appendix D.**)

3.17 Service animals

3.17.1 Service animals are permitted in a tattoo establishment; however, no service animal may be allowed to create a nuisance.

3.17.2 Animal wastes must be cleaned up immediately.

3.17.3 No other animals of any kind shall be allowed except fish in aquariums.

Section 4

GENERAL SANITATION AND STERILIZATION

4.1 Public areas

The entire premises of the establishment must be kept clean, sanitary and in good physical condition at all times.

4.2 Cleaning and sanitizing

- 4.2.1** All tattooing areas, body art work stations, rooms, and articles used on a patron, other than those items requiring full sterilization, must be sanitized before use by a disinfectant or other method approved by the Health Authority.
- 4.2.2** The tattoo machine parts, excluding the electrical components and interior motor casing, used in administering the tattoo shall be cleaned thoroughly after each use by scrubbing with a soap solution containing a biocide and hot water.

4.3 Sterilization

- 4.3.1** Sterilizers must be kept clean, in good working order and must be operated in a clean area.
- 4.3.2** After cleaning, all instruments used in the tattoo procedure shall be packaged individually in paper peel-packs, heat-sealed plastic, or other autoclave packaging approved by the Health Authority, then sterilized by a steam, chemical, or dry heat sterilizer registered and listed with the FDA or equivalent foreign governmental agency that is used, cleaned, and maintained according to the manufacturer's instructions. Such packages must contain a temperature strip or sterilizer indicator listed with the FDA.
- 4.3.3** All packs must be marked with the date of sterilization. A colorimetric sterilizer indicator or internal temperature indicator must be used. Equipment packed in peel-packs or heat-sealed plastic and sterilized in house will be considered sterile for a maximum of six (6) months. Commercially available single use ethylene oxide or gamma radiation sterilized equipment may be used as long as all of the manufacturer's recommendations and expiration dates are followed.
- 4.3.4** All equipment used in the tattoo procedure must remain stored in sterile packages until just prior to performing a procedure. When equipment is assembled, the tattoo operator shall wear gloves and use great care to ensure that equipment is not contaminated.

- 4.3.5 Sterilizers are not required in tattoo establishments that exclusively use prepackaged, single-use, sterilized equipment and supplies. The owner or responsible person must submit a signed disclaimer to the Health Authority for review stating that only presterilized equipment will be used in tattoo procedures.
- 4.3.6 Single-use, prepackaged, sterilized equipment and supplies must be obtained from reputable suppliers or manufacturers.
- 4.3.7 Single-use items shall not be reused for any reason.
- 4.3.8 If the tattoo establishment operator brings any reusable items or equipment into the tattoo establishment, the Health Authority shall be notified of this action immediately.
 - 4.3.8.1 A properly spore tested sterilizer will need to be provided immediately.
 - 4.3.8.2 The sterilizer shall not be used until approved by the Health Authority, following review of the spore test laboratory report described in **Section 4.4.3.4**. Until the Health Authority approves the sterilizer, the tattoo establishment must continue to use prepackaged, single-use, sterilized equipment and supplies.

4.4 Sterilizer testing

This Section shall not apply to tattoo establishments that exclusively use prepackaged, single-use, sterilized equipment and supplies.

- 4.4.1 Each responsible person shall demonstrate that the sterilizer(s) used at the tattoo establishment are capable of attaining proper heat and pressure and are operating correctly through testing, by the means specified below:
- 4.4.2 Thermal and/or chemical indicator strips consistent with the type of sterilization process used, to ensure sufficient temperature and proper functioning of equipment during the sterilization cycle, are required on all packaged instruments during each sterilization; and
- 4.4.3 A spore destruction test every 12 months or more often if recommended by the manufacturer. This spore destruction test must consist of the following criteria:
 - 4.4.3.1 A biological monitoring system (commercial preparation of spores consisting of a known quantity of *Geobacillus [Bacillus] stearothermophilus* spores produced without contamination and provided by an approved supplier) to ensure all microorganisms have been destroyed and sterilization has been achieved.

- 4.4.3.2** This test shall be verified through an independent approved laboratory which is capable of accurately analyzing the spore test.
- 4.4.3.3** Approved independent clinical laboratories will concurrently run quality control samples to ensure an accurate assessment of the spore sample. Therefore, an unsterilized sample from the same lot must be submitted with the processed sample to perform the quality control tests.
- 4.4.3.4** Records of the spore destruction test results shall be maintained at all times on site at the tattoo establishment. These records shall be made readily available for inspection during normal operating hours. Records shall contain at least the following information:
 - 4.4.3.4.1** Name, address, and phone number of the tattoo establishment submitting the spore sample for testing.
 - 4.4.3.4.2** Name, address, phone number, and certification number(s) for the approved independent clinical laboratory performing the spore test and quality control test.
 - 4.4.3.4.3** Name, address, and phone number of the manufacturer of the spore preparation used in the spore test.
 - 4.4.3.4.4** The brand name of the spore preparation and its lot number and expiration date.
 - 4.4.3.4.5** The date and time the spore test was conducted at the tattoo establishment. Include both start and stop times of the spore test.
 - 4.4.3.4.6** The date and start and stop times the spore sample and quality control sample were processed by the laboratory.
 - 4.4.3.4.7** The date the information from the spore test was reported back to the tattoo establishment.
 - 4.4.3.4.8** The results of the spore test and quality control test if requested by SNHD.
- 4.4.4** The Health Permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is reviewed on-site at the time of inspection by the Health Authority.
- 4.4.5** The following actions may result in suspension or revocation of the tattoo establishment's Health Permit:

- 4.4.5.1** Laboratory results that indicate the sterilizer failed the spore test.
- 4.4.5.2** Continuing to operate with the knowledge that the sterilizer failed the spore test.
- 4.4.5.3** Failure to comply with the requirements for spore testing specifically outlined in this section of these Regulations.

4.5 Dyes and pigments

All dyes and pigments used in tattoo procedures must be obtained from a reputable manufacturer. The pigments and dyes must be designated specifically for use in tattooing and must be used without adulteration or dilution (except when using sterile, distilled water) of the original formula. Repackaging quantities of dyes and pigments is prohibited.

4.6 Materials used in tattoo preparation and application

- 4.6.1** Materials such as mimeograph paper, markers, alcohol, lubricants, razors, etc. used in preparation for the application of a tattoo must be kept clean and in good condition.
- 4.6.2** All materials which are designed for multiple use (e.g., markers) shall only be applied directly to clean, unbroken skin. If such materials come into contact with blood or bodily fluids, they cannot be reused and must be immediately discarded.

Section 5

RESPONSIBLE PERSON AND EVENT COORDINATOR

5.1 Responsible person

- 5.1.1** The Health Permit holder for a tattoo establishment may designate a responsible person to act on his behalf within the establishment. The owner must notify the Health Authority in writing of any designation, providing the name and contact information for the responsible person.
- 5.1.2** The responsible person must ensure that all applicable permits, licenses, work cards, and Tattoo Operator Health Cards that are required to be visible to patrons and the public are properly displayed in the locations indicated by the Health Authority and other agencies of jurisdiction.
- 5.1.3** The responsible person is held accountable for compliance with all requirements issued by all relevant state, county, and local agencies of jurisdiction where the tattoo establishment conducts business.
- 5.1.4** Violation of any one or a combination of these requirements by the tattoo establishment, the responsible person, any employee, tattoo operator, or visiting artist may result in the suspension of the tattoo establishment's Health Permit and interruption of business operations while the matter is resolved with the affected agency of jurisdiction.
- 5.1.5** The responsible person may also act as an event coordinator during a Body Art Special Event (hereinafter referred to as "Special Event"), but must make separate application for each Special Event he wishes to coordinate.

5.2 Event coordinator

- 5.2.1** An event coordinator must be designated for each Special Event that is held within Southern Nevada.
- 5.2.2** The event coordinator must make application and pay applicable fees to the Health Authority thirty (30) days prior to the Special Event to avoid late fees and possible denial of the Health Permit.
- 5.2.3** It is the responsibility of the event coordinator to organize and ensure that any items needed during the Special Event are provided by the person or agency holding the event. These requirements are located in ***Section 11-Body Art Special Events and Permits.***

- 5.2.4** The event coordinator must acknowledge in writing, as part of the application process, that failure to comply with all applicable Regulations may result in immediate revocation of the Special Event Health Permit and the issuance of a Cease and Desist Order to all of the tattoo operators at the event.

- 5.2.5** The event coordinator may be held responsible for the actions of visiting artists who do not comply with these Regulations. The event coordinator, the event sponsor, and the visiting artist all may be subject to enforcement actions.

Section 6

TATTOO OPERATORS AND VISITING ARTISTS

6.1 Tattoo operators

- 6.1.1** It shall be unlawful for any person to act as a tattoo operator within a tattoo establishment, or for any Health Permit holder or person to employ another person as a tattoo operator, unless such person has been issued a Tattoo Operator Health Card by the Health Authority in accordance with these Regulations under ***Section 10-Health Card Requirements and Fees***.
- 6.1.2** The Health Permit holder of a tattoo establishment may also hire tattoo operators who have been approved to work as visiting artists by the Health Authority.
- 6.1.3** Tattoo operators must be free from all communicable disease while administering tattoos.
- 6.1.4** Tattoo operators must not smoke while administering tattoos.
- 6.1.5** Prior to and immediately following administering tattoos, tattoo operators must thoroughly wash their hands and nails in hot running water and liquid soap, rinse them in clear warm water and then dry their hands with a disposable paper towel.
- 6.1.6** Tattoo operators must also wash their hands if at any point in applying the tattoo there is an interruption which causes the tattooing process to cease. Upon returning to the patron, tattoo operators must again wash their hands before donning fresh gloves.
- 6.1.7** During tattoo procedures, tattoo operators shall wear exam gloves. These gloves shall be discarded after each procedure to prevent cross-contamination and when damaged, soiled, or when interruptions occur in the procedure.
- 6.1.8** Tattoo operators, while on duty, shall:
 - 6.1.8.1** Utilize or wear effective hair restraints if they have hair over the ears;
 - 6.1.8.2** Have clean fingernails;
 - 6.1.8.3** Wear clean outer garments; and
 - 6.1.8.4** Have good personal hygiene.

- 6.1.9 Tattoo operators must demonstrate a high level of competence. Gross incompetence may be cause for suspension or nonrenewal of a Tattoo Operator Health Card.
- 6.1.10 Tattoo operators are prohibited from providing tattoo services outside of a tattoo establishment operating with a current valid Health Permit unless they are participating in an approved Special Event with an unexpired Health Permit. Tattoo operators wishing to participate in a Special Event must complete a Body Art Special Event Person/Business name application and event coordinator application if necessary and pay all applicable fees.
- 6.1.11 Tattoo Operator Health Cards are not transferable from person to person.
- 6.1.12 Tattoo operators shall not apply tattoos while under the influence of an intoxicating substance. No alcoholic beverages are permitted in the body art work station. Evidence that the tattoo operator is applying tattoos while inebriated is sufficient cause for immediate suspension of that individual's Tattoo Operator Health Card.

6.2 Tattoo operator training and other requirements

- 6.2.1 Tattoo establishment Health Permit holders are required to comply with the State of Nevada Occupational Safety and Health Standards for General Industry (29 CFR Part 1910.1030) regarding occupational exposure to bloodborne pathogens.
- 6.2.2 Documentation of both hepatitis A and B immunizations of all tattoo operators working at the tattoo establishment must be maintained and available for review by the Health Authority. (See **Appendix E** for a sample documentation form for use by the tattoo establishment)
- 6.2.3 Health Permit holders or their designated responsible person are responsible for:
 - 6.2.3.1 Ensuring that tattoo operators working at their tattoo establishments initiate both the hepatitis A and B vaccination series within thirty (30) days of starting work unless:
 - 6.2.3.1.1 The tattoo operator has previously received the complete hepatitis A and/or B vaccination series and can provide documentation to the Health Authority that one or both of the series have been completed. If one has been completed, the tattoo operator must still complete the other series of vaccinations,
 - 6.2.3.1.2 Antibody testing has revealed that the tattoo operator is immune to either hepatitis A or B, or both. If antibody testing reveals that the

tattoo operator is immune to one form of hepatitis, but not the other, then either:

- 6.2.3.1.2.1 The vaccination series must be completed or
- 6.2.3.1.2.2 Documentation of completion of the vaccination series shall be provided once the series is completed, for the form of hepatitis for which the tattoo operator has no immunity.

6.2.3.1.3 The hepatitis A and/or B vaccines are contraindicated for medical or religious reasons; then the current SNHD policies regarding vaccine exemptions or deferrals shall be followed.

6.2.3.2 Ensuring that individuals working in the tattoo establishment have a current SNHD Tattoo Operator Health Card and comply with all applicable health, safety, sanitation and sterilization Regulations of the SNHD and other state agencies. Tattoo operators must have their Tattoo Operator Health Card on their person when working and the tattoo establishment must have a copy at the facility available for review by the Health Authority.

6.2.3.3 Notifying the Health Authority, verbally or in writing, when a tattoo operator starts or stops working at his tattoo establishment.

6.2.3.4 Ensuring that at least one (1) person trained in CPR and First Aid is available at the tattoo establishment during all hours of operation. Current certification documents must be provided to the Health Authority for each certified person.

6.3 Visiting artists

6.3.1 An individual who is not a tattoo operator within Southern Nevada; but who routinely works in the tattoo industry in an area outside the jurisdiction of the Health Authority, may apply to be a visiting artist in Southern Nevada. Visiting artists from other jurisdictions must be hosted by a tattoo establishment with a valid Health Permit for a period of time no greater than the limit set forth in this section.

6.3.2 Each visiting artist must make application to the Health Authority for each time interval in which he would like to participate. (Application forms for visiting artists may be found in **Appendix F**)

6.3.3 While performing tattoo procedures within the jurisdiction of the Health Authority, visiting artists shall comply with all applicable Regulations. Failure to do so may result in revocation of permission to participate.

6.3.4 Visiting artists shall not perform procedures in any location whatsoever except the tattoo establishment or Special Event for which they are registered.

6.3.5 Once the visitation period of time is over, the visiting artist no longer has permission to operate within the Health Authority's jurisdiction.

6.4 Failure to comply

Failure to comply with the provisions of this Section of these Regulations may result in Tattoo Operator Health Card suspension, revocation of permission for a visiting artist to operate, tattoo establishment or Special Event Health Permit suspension, and/or an administrative hearing.

Section 7 PATRONS

7.1 Patron age requirements and other age restrictions

- 7.1.1** No persons under the age of eighteen (18) shall be permitted to loiter in the tattoo area of the establishment, whether or not they are the children or wards of the Health Permit holder, responsible person, or any of the employees, operators, visiting artists, or patrons of the tattoo establishment.
- 7.1.2** Persons under the age of fourteen (14) shall not be permitted to enter the facility or have a tattoo applied in the tattoo establishment. Patrons between the ages of fourteen (14) and eighteen (18) are permitted in the tattoo area when receiving services in the presence of their legal parent or guardian or when they are legally emancipated by a court of competent jurisdiction and can provide documentation to that fact.
- 7.1.3** The tattoo establishment may set its own age restrictions regarding the presence of minors that are **more stringent** than those cited in these Regulations.
- 7.1.4** No person shall perform any tattoo procedure whatsoever upon a person under the age of fourteen (14) years, unless under the supervision of a medical professional. Tattoo procedures performed upon a person under the age of eighteen (18) years require the written consent and proper identification of a parent or guardian unless the person has been emancipated by a court of competent jurisdiction and can provide legal documentation stating this fact. Any tattoos performed on a minor must be done in the presence of a parent or guardian.
- 7.1.5** Nothing in this section is intended to require a tattoo operator to perform any tattoo on a person under eighteen (18) years of age, even with parental or guardian consent.
- 7.1.6** Age of ALL patrons must be verified by government-issued photographic identification and documented prior to the procedure being performed.
- 7.1.7** The government-issued photographic identification of ALL patrons twenty-one (21) years of age or younger must be photocopied and kept with the patron's paperwork.

- 7.1.8** Government-issued photographic identification provided by the parent or guardian of a patron under the age of eighteen (18) must be photocopied and kept with the patron's paperwork. A certified copy of a birth certificate, guardianship papers, or other document where both the adult and minor's names are listed can be used to document the authenticity of the relationship.

7.2 Patron advisements

Before administering tattoos, the patron must be advised that the tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that any effective removal may leave permanent scarring and disfigurement. A written cautionary notice to that effect, in a form approved by the Health Authority, must be furnished to the patron. The patron must sign a copy of the notice, indicating it was read and understood, which will then be placed in the patron's records kept at the tattoo establishment.

7.3 Patron assessments

- 7.3.1** Tattoos may not be administered to any person under the influence of drugs or alcohol. The tattoo operator and tattoo establishment are charged with the responsibility of making reasonable observations and inquiries to determine that the patron is in fact sober, and not under the influence of intoxicating substances. If the tattoo operator has reasonable suspicion that a person is under the influence he may decline to apply a tattoo at that time.
- 7.3.2** The patron must be asked before the tattoo procedure whether he has had a history of jaundice or hepatitis within twelve (12) months preceding that date.
- 7.3.3** The tattoo operator may decline to perform a procedure on any would-be patron whom the tattoo operator suspects to have a communicable disease.
- 7.3.4** The skin surface to be tattooed must be visibly free of rash, pimples, infection or scar tissue. The patron must be in apparent good health, and the skin to be tattooed generally must be in a healthy condition to all appearances.
- 7.3.5** The tattoo operator may decline to perform a procedure on any patron at any time for any reason if he deems it likely that the procedure is not appropriate for that person at that time or if he deems that the patron is currently likely to bring harm to the tattoo operator, himself, or others within the tattoo establishment (e.g., they are in an agitated or belligerent state).

7.4 No food, beverage, or smoking in tattoo area

The patron and/or the tattoo operator must not bring food or drink into a tattoo area, and must not smoke during the tattoo procedure. An enclosed beverage such as bottled water may be provided to prevent dehydration if the procedure is lengthy.

7.5 Record keeping

7.5.1 The tattoo establishment must keep a permanent record of all patrons receiving tattoos, stating:

- 7.5.1.1** The patron's name, age, and address;
- 7.5.1.2** The date of procedure,
- 7.5.1.3** The tattoo operator's name,
- 7.5.1.4** The place on the patron's body where the tattoo was applied, and
- 7.5.1.5** A reasonably accurate description of the design of the tattoo that is sufficient to identify it as the tattoo applied by that particular tattoo establishment and tattoo operator.

7.5.2 Such records shall be:

- 7.5.2.1** Kept at the physical location of the tattoo establishment unless written permission is granted otherwise by the Health Authority.
- 7.5.2.2** Maintained in an orderly manner, filed by month and year, to facilitate retrieval of records.
- 7.5.2.3** Retained for a minimum of two (2) years.
- 7.5.2.4** Made available to the Health Authority upon request.

7.6 Failure to comply

Failure to comply with the provisions of this Section may result in Tattoo Operator Health Card suspension, tattoo establishment Health Permit suspension and/or an administrative hearing.

Section 8

TATTOO PROCEDURES

8.1 Preparing for tattoo procedure

- 8.1.1** The skin and the surrounding area where the tattoo is to be placed shall first be washed with soap and water or an approved surgical skin preparation.
- 8.1.2** If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded in an appropriate sharps container after each use, and reusable holders shall be autoclaved after use.
- 8.1.3** Following shaving, the skin and the surrounding area must be gently washed with soap and water using a single-use paper product which shall be disposed of after use.
- 8.1.4** Substances applied to the client's skin to transfer designs from a stencil or paper shall be dispensed from containers in a manner to prevent contamination of the unused portion. Use of a spray bottle to apply liquid to the skin is acceptable. All creams and other semi-solid substances shall be removed from containers with a clean, sanitized spatula. Spatulas made of a washable, non-absorbent material and designed for multiple use may be sanitized and used again. Spatulas made of wood or otherwise designed for single-use shall be discarded after a single use. Single-use tubes or containers shall be discarded following the tattoo procedure.
- 8.1.5** Individual portions of dyes or pigments in clean single-use containers shall be used for each client. Any remaining unused dye or pigment and the single-use container(s) shall be discarded immediately following service.
- 8.1.6** Large batch containers of dyes or pigments that are used to dispense product into the single-use containers are permitted. No dye or pigment shall be reintroduced for any reason into these batch containers after it has been dispensed for single use, even if it is not actually used. It must still be discarded.

8.2 Single use items-rules and prohibitions

- 8.2.1** Single-use items shall not be reused for any reason. Tattoo needles are not reusable under any circumstances. After use, all needles, razors and other sharps shall be immediately disposed of in sharps containers, appropriately labeled with the international biohazard symbol.

- 8.2.2 A single tattooing session that is interrupted for a brief amount of time, such as is required to use the restroom, does not require disposal of all single-use items being used on a single patron. Using the same supplies to complete the tattooing session on a single patron does not constitute a case of reuse.
- 8.2.3 Keeping items used on a patron in storage for use later in the same day or on another day does constitute reuse, even though only one patron is involved.
- 8.2.4 Using supplies from one patron to another patron constitutes reuse.

8.3 Linens

- 8.3.1 Clean linens shall be used for each patron. A common towel is prohibited.
- 8.3.2 Clean linens, tissues or single-use paper products shall be stored in a clean, enclosed storage area until needed for immediate use.
- 8.3.3 Used linens shall be stored in a closed or covered container until laundered.
- 8.3.4 Soiled linens may be laundered in a washing machine with laundry detergent and chlorine bleach or by a regular commercial laundry service.

8.4 Biohazardous events and solid waste disposal

- 8.4.1 Contaminated waste which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be contained in an appropriate red or orange bag and labeled with the international biohazard symbol. The bag and its waste must then be disposed of by a waste hauler authorized to dispose of biohazardous waste. Contaminated waste which does not release liquid or dried blood or body fluids when handled may be contained in a covered receptacle and disposed of through normal, approved disposal methods.
- 8.4.2 Tattoo operators shall maintain a sanitary environment during all procedures to prevent cross-contamination.
- 8.4.3 In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use in appropriate covered containers, including containers marked to handle biomedical waste.

8.5 After care instructions

Both verbal and written instructions concerning proper care of the newly tattooed skin called "After-Care instructions" shall be provided to each patron following each procedure. "After Care Instructions" shall specify care following service, possible side effects and activity restrictions. The content of such instructions shall be approved by the Health Authority.

8.6 Infection reporting required

Any infection resulting from the tattoo procedure, which becomes known to the operator or the tattoo establishment, shall be immediately reported verbally to the Health Authority and followed up in writing within forty-eight (48) hours of the receipt of the initial information.

8.7 Prohibited acts

The following acts are ***expressly prohibited*** by the Health Authority:

- 8.7.1** Scarification (branding, cutting, skin peeling).
- 8.7.2** The implantation of jewelry or objects under the skin,
- 8.7.3** Dermal punching,
- 8.7.4** Single point piercing,
- 8.7.5** Suspension piercing,
- 8.7.6** Voluntary amputation,
- 8.7.7** Tongue or penis splitting,
- 8.7.8** Neck rings,
- 8.7.9** Foot binding,
- 8.7.10** Corseting,
- 8.7.11** Any other form of unregulated invasive or extreme body modification which may emerge in the future,
- 8.7.12** Tattoo or permanent makeup removal (unless under supervision by a licensed physician) by means of:
 - 8.7.12.1** Surgery,
 - 8.7.12.2** Treatment with a chemical or substance, or
 - 8.7.12.3** Medical device such as infrared coagulator or laser, or

8.7.13 The injection into the human body of:

8.7.13.1 Botulinum toxin,

8.7.13.2 Prescription numbing agents, or

8.7.13.3 Any substance other than dyes or pigments approved for tattooing.

Section 9 HEALTH PERMITS

9.1 Tattoo establishment Health Permit required

All tattoo establishments must have a current and valid tattoo establishment Health Permit issued by the Health Authority in order to operate.

9.2 Tattoo establishment Health Permit exemptions and prohibitions

- 9.2.1** A physician, or a person working under the direct supervision of a physician, performing tattooing procedures in the physician's office or clinic, is exempt from these Regulations.
- 9.2.2** No Health Permits shall be issued to private residences, including apartments, condominiums, multi-family or single-family dwellings for tattooing activities.
- 9.2.3** Anyone applying tattoos to another person in any location in Southern Nevada, other than an approved, Health Permitted tattoo establishment or Special Event is in violation of these Regulations and will be ordered to cease and desist all activities. If the individual also holds a Tattoo Operator Health Card, the Tattoo Operator Health Card is subject to suspension and possible revocation if that tattoo operator engages in any prohibited activities.

9.3 Applications for and issuance of tattoo establishment Health Permits to operate

- 9.3.1** Prior to commencing the operation of any tattoo establishment, the responsible person or persons, business entity, or agent must make written application for a tattoo establishment Health Permit on forms provided by the Health Authority, pay all applicable fees, and receive written approval from the Health Authority to operate. Application forms may be found in **Appendix G** or online at www.southernnevadahealthdistrict.org.
- 9.3.2** When making application for a tattoo establishment Health Permit, the following information and items must be brought to the Health Authority for review and/or approval:
 - 9.3.2.1** The name, location address, and mailing address of the tattoo establishment;
 - 9.3.2.2** A statement indicating whether the applicant is a natural person, firm, or corporation, and;

- 9.3.2.3 The applicant's full name, mailing address, and signature or that of a representative designated by them, if the applicant is a firm or corporation;
- 9.3.2.4 The name of the responsible person/point of contact of the tattoo establishment and contact information such as addresses and phone numbers and signature, if different from the applicant or applicant's representative;
- 9.3.2.5 Proof of ownership or lease agreement for the property and buildings on which the tattoo establishment is or will be built or located;
- 9.3.2.6 A floor plan and specification of the tattoo establishment as it is proposed to be operated. If under new construction or major remodel, any construction plans, schedules, schematics, or drawings, may be provided by the applicant for consideration prior to formal plan review;
- 9.3.2.7 The proposed hours of operation;
- 9.3.2.8 The names of all employees and their exact duties;
- 9.3.2.9 A complete description of all tattoo services to be provided;
- 9.3.2.10 An exact inventory of all tattoo equipment to be utilized, including names of manufacturers. If the establishment intends to use items that require sterilization, a steam, chemical, or dry heat sterilizer registered and listed with the FDA or equivalent foreign governmental agency, spore tested within thirty (30) days of the Health Permit Application, must be at the establishment prior to the Health Permit being issued;
- 9.3.2.11 Names and addresses of all suppliers of tattoo equipment and supplies.

9.4 Tattoo establishment Health Permit issuance

- 9.4.1 If the Health Authority determines, after plan review, investigation, and inspection, that the proposed establishment can be operated in accordance with the provisions of these Regulations, a Health Permit may be issued to the applicant.
- 9.4.2 All Health Permits shall be renewed annually. Their issuance is conditional upon strict compliance with these Regulations.
- 9.4.3 Health Permits may be revoked or suspended for violation of these Regulations in accordance with the procedures set forth in **Section 14**.

- 9.4.4 Health Permits are not transferable from person to person or location to location.

9.5 Tattoo establishment Health Permit fee schedule

Pursuant to NRS 439.360(5), and under the authority of NRS 439.410(3), the District Board of Health adopts by reference, the current Health Permit Fee Schedule as it applies to tattoo establishments.

9.6 Tattoo establishment Health Permit posted

- 9.6.1 The current tattoo establishment Health Permit must be posted in plain view of the general public and shall not be altered or defaced in any manner.
- 9.6.2 The Health Permit holder must also post, in public view within the premises, next to the Health Permit, a disclosure statement approved by the Health Authority which advises of the risks and possible consequences of tattoo procedures. (See **Appendix H** for Public Notice).
- 9.6.3 Copies of these Regulations must also be prominently displayed in any Health Permitted tattoo establishment.

9.7 Failure to Comply with Health Permit requirements

Failure to comply with the provisions of this chapter may result in Tattoo Operator Health Card suspension, tattoo establishment Health Permit suspension and/or an administrative hearing.

Section 10

HEALTH CARD REQUIREMENTS AND FEES

10.1 Application for Tattoo Operator Health Card

Application for a Tattoo Operator Health Card shall be made to the Health Authority on forms approved by the Health Authority, which contain at least the following information:

- 10.1.1** Name;
- 10.1.2** Age;
- 10.1.3** Sex;
- 10.1.4** Social Security Number;
- 10.1.5** Residence address, and mailing address, if different;
- 10.1.6** Medical history of all communicable diseases;
- 10.1.7** Current state of health and physical disabilities;
- 10.1.8** Training and/or experience relating to tattoo or other body art procedures.

10.2 Application acceptance dates

Health Card applications will be accepted on predetermined calendar dates only. This calendar is located on the Health Authority's website at www.southernnevadahealthdistrict.org or can be picked up at the office where application is made.

10.3 Items required for application

The following items must be brought to the SNHD in order to make application for a Tattoo Operator Health Card:

- 10.3.1** Written proof from a previous employer that the applicant has a minimum of six (6) months' experience or training as a tattoo operator in a duly-licensed establishment in Nevada, or another state or country. Written proof must:
 - 10.3.1.1** Show current date,
 - 10.3.1.2** Be on company letterhead of former employer, if possible,
 - 10.3.1.3** List specific month and year dates of experience or training,
 - 10.3.1.4** Contain printed name of the person writing the letter of proof,
 - 10.3.1.5** Be signed by the person writing the letter of proof.
 - 10.3.1.6** Copies of these letters must be kept at the physical location of the tattoo establishment.

- 10.3.2** If the applicant currently does not have training or experience or if documentation of training or experience is unavailable, the applicant can enter into an apprenticeship with a Health Permitted tattoo establishment within Southern Nevada. At the time of application, the applicant must provide written proof from the tattoo establishment stating that the applicant will be apprenticing in the tattoo establishment writing the letter.
- 10.3.3** Upon completion of at least six (6) months training, the applicant must return to the SNHD with written proof of training and experience as described in **Section 10.3.1**.
- 10.3.4** Written verification of employment from the Health Permitted tattoo establishment where the applicant will be operating. This written proof must state clearly that the applicant will be working as a tattoo operator at the given tattoo establishment.
- 10.3.5** Fees for the written exam (non-refundable) as determined by the Health Authority Fee Schedule.

10.4 Written exam

During the application process, an appointment must be made to return to take the written exam administered by the SNHD regarding basic sanitation knowledge required for safe and sanitary tattoo application. A passing score on the examination is eighty (80) percent or better.

- 10.4.1** Written exams are held on predetermined calendar days only.
- 10.4.2** If an applicant does not pass the written exam with a score of eighty (80) percent or better, a new appointment to retake the exam must be made and the exam fee must be paid again.
- 10.4.3** If an applicant is a no-call or no-show for the exam, then they must pay the missed appointment fee as determined by the SNHD before they can reschedule for the next exam.

10.5 Exam study and organizational materials

During the application process, the applicant will be provided certain documents to assist in preparing for the exam and organizing the activities that must be completed to obtain the Tattoo Operator Health Card. Certain documents available are as follows:

- 10.5.1** A paper copy of this Regulation, for a fee. This Regulation in electronic form can also be located for no charge at www.southernnevadahealthdistrict.org.

- 10.5.2** A copy of the current SNHD Fee Schedule.
- 10.5.3** A hepatitis A and B vaccination information sheet.
- 10.5.4** A copy of the SNHD Identification Policy.
- 10.5.5** A SNHD Applicant Status worksheet. This worksheet provides guidance to complete the steps necessary to obtain a permanent Tattoo Operator Health Card.
- 10.5.6** A variety of study materials such as brochures and information sheets, when available.

10.6 Completion of application process

After the applicant successfully completes the requirements of **Sections 10.1 through 10.5**, then they must:

- 10.6.1** Complete the Health Card Application provided by the Health Card Section.
- 10.6.2** Submit to vaccines or any required medical tests.
- 10.6.3** Be screened for tuberculosis by skin test, chest x-ray or both. The applicant must return three days following the skin test or when otherwise directed to return by the Health Card Section nursing staff. Failure to return as directed will result in the need to readminister the test or vaccine. During the interim timeframe, an individual may not apply any tattoos.
- 10.6.4** Be photographed for their permanent Tattoo Operator Health Card.

10.7 Tattoo Operator Health Card issuance

Tattoo Operator Health Cards may be issued by the Health Authority, after satisfaction of the above requirements and the following additional requirements:

- 10.7.1** Verification by the applicant that he is free of communicable diseases that may be transmitted to a patron;
- 10.7.2** Presentation to the Health Authority of a government-issued photo identification showing that the applicant is a minimum of eighteen (18) years of age;

- 10.7.3** Presentation to the Health Authority of a certificate showing that the applicant has completed the required American Red Cross course in Preventing Disease Transmission (PDT) or documentation of equivalent training within the past two (2) years, as approved by the Health Authority. This documentation must also be provided, if not already available and current in the tattoo operator's file, upon renewal of the Health Card.

10.8 Hepatitis A and B vaccination or proof of immunity

Written certification that the operator has begun the hepatitis A and B vaccination series within thirty (30) days of being issued a Tattoo Operator Health Card must be provided to the Health Authority unless:

- 10.8.1** He has previously received the complete hepatitis A and/or B vaccination series and can provide documentation to the Health Authority that one or both of the series have been completed. If one has been completed, the operator must still complete the other series of vaccinations,
- 10.8.2** Antibody testing has revealed that the operator is immune to hepatitis either A or B, or both. If antibody testing reveals that the operator is immune to one form of hepatitis, but not the other, then either:
- 10.8.2.1** The vaccination series must be completed or
- 10.8.2.2** Documentation of completion of the vaccination series shall be provided once the series is completed, for the form of hepatitis for which the operator has no immunity.
- 10.8.3** The hepatitis A and/or B vaccines are contraindicated for medical or religious reasons, then the current SNHD policies regarding vaccine exemptions or deferrals shall be followed.
- 10.8.4** Failure to provide this documentation within the designated timeframe may result in immediate suspension of the operator's Health Card.

10.9 Tattoo Operator Health Card renewal

Tattoo Operator Health Cards must be renewed every two years. Tattoo operators must not perform tattoo procedures if their Tattoo Operator Health Cards are expired. Performing tattoo procedures with an expired Tattoo Operator Health Card is a violation of these Regulations and is subject to enforcement action, up to and including denial of a future Tattoo Operator Health Card.

10.10 Expired Tattoo Operator Health Cards

If the tattoo operator allows his Tattoo Operator Health Card to expire, then he will be required to repeat the application process (including retaking the basic sanitation examination and paying all applicable fees).

10.11 Current Tattoo Operator Health Card in tattoo operator's possession

A current original Tattoo Operator Health Card must be in the tattoo operator's possession, either on his person or readily available in his personal effects, at all times while engaged in the practice of tattooing.

10.11.1 Issuance of a tattoo operator's Tattoo Operator Health Card is conditional upon full compliance with these Regulations. Temporary Tattoo Operator Health Cards will be issued in certain situations:

10.11.1.1 Thirty (30) day temporary Tattoo Operator Health Cards will be issued to applicants who have not completed the American Red Cross training in Preventing Disease Transmission (PDT) or equivalent training. Tattoo operators who do not provide documentation of completing this training within thirty (30) days must cease any operations until the required Preventing Disease Transmission (PDT) training has been completed.

10.11.1.2 Temporary Tattoo Operator Health Cards will be issued for applicants who have not completed the six (6) month training requirement in **Section 10.3.1**. The hard copy of the tattoo operator's Tattoo Operator Health Card will be issued after documentation of the required six (6) month experience has been received.

10.11.1.3 Tattoo operators issued a temporary Tattoo Operator Health Card must complete the required Preventing Disease Transmission (PDT) training (**Section 10.7.3**) and begin the hepatitis A and B vaccination series (**Section 10.8**) within thirty (30) days of being issued a temporary Tattoo Operator Health Card or cease any operations until these requirements are met.

10.12 Applicant or tattoo operator's responsibilities

It is the responsibility of each individual applicant or tattoo operator to comply with the requirements of this Regulation. Failure to complete any step in the process or to provide in a timely manner information that is needed to complete the Tattoo Operator Health Card application process may result in the denial of the Tattoo Operator Health Card and a requirement to repeat the entire process from the beginning.

10.13 Tattoo establishment Health Permit holder's joint responsibility

The tattoo establishment Health Permit holder and/or responsible person hold joint responsibility in ensuring that all conditions of obtaining a valid Tattoo Operator Health Card are met for each individual they hire or consent to take as an apprentice. Allowing individuals to function in the capacity of a tattoo operator within a Health Permitted establishment when they have not complied with these Regulations is grounds for enforcement action, up to and including suspension of the Health Permit for the tattoo establishment.

Section 11

BODY ART SPECIAL EVENT PERMITS

11.1 Special Event permit application

- 11.1.1 A Body Art Special Event Health Permit (formerly known as “Temporary Demonstration Health Permit” and referred to here as the “Event Permit”) may be issued by the Health Authority for educational, sales, or convention purposes.
- 11.1.2 The Event Permit can be valid from one (1) to fifteen (15) days. The length of event determines the necessary fees based on the Health Authority’s current Fee Schedule.
- 11.1.3 Under the Event Permit, it is permissible to charge the patron for tattoo services.
- 11.1.4 A person who wishes to obtain an Event Permit must submit a “Body Art Special Event Health Permit Person/Business Name Application” to the Health Authority, at least thirty (30) days prior to the event. Information required for the application is found in ***Appendix I***.

11.2 Special Event coordinator

- 11.2.1 Each convention or other entity hosting a Special Event must designate a Special Event coordinator who is responsible for each booth’s compliance with the applicable Regulations and operational procedures over the span of the Special Event.
- 11.2.2 The event coordinator must make application and pay all applicable fees designated by the Health Authority.
- 11.2.3 If there is only one vendor at the Special Event, then an event coordinator is not required.
- 11.2.4 The event coordinator must be available during the inspection of the booth(s) and throughout the duration of the Special Event.

11.3 Special Event operator fee

All individual tattoo operators or visiting artists must pay a Special Event operator fee as designated by the Health Authority at the time of application for the Special Event.

11.4 Special Event operational requirements

- 11.4.1** The Event Permit must be posted at each booth operating during the Special Event. Event Permits are non-transferable to different booths.
- 11.4.2** The application of tattoos during the Special Event must be conducted inside a permanent building.
- 11.4.3** Compliance is required with all of the requirements of these Regulations, including but not limited to the availability of:
 - 11.4.3.1** Conveniently located hand washing facilities shall be provided, as approved by the Health Authority, with liquid soap, paper towels and hot and cold water under adequate pressure and drained in accordance with local plumbing codes. Disinfecting single-use hand wipes, approved by the Health Authority, in addition to the hand washing requirements of this Section, must be available in each booth/cubicle.
 - 11.4.3.2** A booth of standard size, which is ten (10) feet by ten (10) feet or one hundred (100) square feet of floor space. Under no circumstances may the booth size exceed one hundred fifty (150) square feet.
 - 11.4.3.3** At least fifty (50) square feet of floor space for each tattoo operator. This is an exception for Special Events only.
 - 11.4.3.4** At least fifty (50) foot-candles of light at the level where the tattoo is being applied.
 - 11.4.3.5** Facilities to properly sterilize instruments. Evidence must be provided that a spore test was performed and passed on sterilization equipment thirty (30) days or less prior to the date of the event or only single-use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed.
 - 11.4.3.6** Equipment and supplies to properly clean and sanitize the area used for tattooing.
 - 11.4.3.7** Locations and equipment to dispose of correctly all sharps and biohazardous waste.
 - 11.4.3.8** Locations and equipment to dispose of all non-hazardous solid waste.
- 11.4.4** The facility where the Special Event will be conducted must be inspected by the Health Authority and an Event Permit must be issued prior to the performance of any tattoo procedures.

11.5 Special Event Client Consent Form and patron instructions

11.5.1 A sample Client Consent Form must be submitted with the application and must include locations to document the following information:

11.5.1.1 Name of patron,

11.5.1.2 Age of patron. If the patron is between the ages of fourteen (14) and eighteen (18), appropriate documentation of parental or custodial consent to the procedure, as required in permanent tattoo establishment locations,

11.5.1.3 Address of patron,

11.5.1.4 Date of tattoo application,

11.5.1.5 Tattoo operator's or visiting artist's name,

11.5.1.6 Location on the body where the tattoo was placed,

11.5.1.7 A reasonably accurate description of the design of the tattoo that is sufficient to identify it as the tattoo applied by that particular tattoo operator,

11.5.1.8 A statement advising the patron that the tattoo should be considered permanent; that it can only be removed with a surgical procedure; and that any effective removal may leave permanent scarring and disfigurement,

11.5.1.9 Whether or not the patron has a history of jaundice or hepatitis within the twelve (12) months preceding that date.

11.5.2 Following the procedure, the patron must be given both verbal and written instructions concerning the proper care of the skin where the tattoo was applied. Instructions shall specify care following service, possible side effects, and/or activity restrictions.

11.6 Special Event Permit suspension

Event Permits issued under the provisions of these Regulations may be suspended by the Health Authority for failure of the permit holder, event coordinator, tattoo operators, or visiting artists to comply with the requirements of these Regulations.

Section 12

PLAN REVIEW SUBMISSION AND APPROVAL

12.1 Regulation of new construction and renovation of a tattoo establishment

The construction of new tattoo establishments and remodeling of existing establishments shall be in accordance with all applicable State of Nevada laws and Regulations, these Regulations, all other applicable Health Authority Regulations, and local building ordinances and codes. In the event that there are any conflicts between these requirements, the more stringent requirement must be met.

12.2 Plans for construction and remodeling

At least thirty days prior to beginning construction or remodeling of a tattoo establishment, the Health Permit holder or responsible person must complete the Instructions for Submission of Plans for Review and the Plan Review Application Form. Both forms are available on the SNHD web site. Read the Instructions for Submission of Plans for Review carefully and submit plans with all the following information to the Health Authority for review and approval:

- 12.2.1** A floor plan of the establishment including the dimension of the room(s) plus where the sinks are located,
- 12.2.2** Documentation of spore testing of sterilizer within the past thirty (30) days,
- 12.2.3** A copy of a lease/rental agreement and/or Bill of Sale for the property address,
- 12.2.4** A written infection control plan that includes:
 - 12.2.4.1** Aseptic procedures for the protection of patrons, and
 - 12.2.4.2** General establishment cleaning and disinfection procedures
- 12.2.5** Copies of all employee:
 - 12.2.5.1** Current Tattoo/Permanent Makeup Health Cards,
 - 12.2.5.2** Records of hepatitis A and B vaccination series,
 - 12.2.5.3** Current American Red Cross class or equivalent cards for Preventing Disease Transmission, CPR and/or first aid classes.
- 12.2.6** Proposed "Client Consent Sheet" that includes:
 - 12.2.6.1** Patron's name, date of birth, and address;
 - 12.2.6.2** If necessary, documentation of parental or custodial consent for patrons between the ages of fourteen (14) and eighteen (18);
 - 12.2.6.3** Operator's/Technician's name;
 - 12.2.6.4** Date the procedure was done, type and placement of the tattoo;

- 12.2.6.5** Questions asking the patron if he has a history of hepatitis, jaundice, or other communicable diseases in the past twelve (12) months;
- 12.2.6.6** A statement cautioning the patron that the procedure is permanent.

12.2.7 Proposed “After Care Instructions” that includes:

- 12.2.7.1** The proper care of the fresh tattoo;
- 12.2.7.2** Possible side effects of the procedure; and
- 12.2.7.3** Any activity restrictions.

12.2.8 Procedure cubicle descriptions, with at least:

- 12.2.8.1** One hundred (100) square feet per cubicle;
- 12.2.8.2** Twenty (20) foot-candles of light at thirty (30) inches above the floor in all areas;
- 12.2.8.3** Fifty (50) foot-candles of light at thirty (30) inches above the floor in the area where procedures are performed;
- 12.2.8.4** Walls sealed, at a minimum, with hard enamel paint;
- 12.2.8.5** Floors made of a smooth, durable, nonabsorbent and nonporous material that is easily cleanable and can be maintained in a sanitary manner at all times.
- 12.2.8.6** Counters constructed of cleanable, non-porous material;
- 12.2.8.7** A sink provided in each cubicle and serviced with hot and cold running water;
- 12.2.8.8** Dispensers for antimicrobial hand soap and paper towels at each sink;
- 12.2.8.9** A covered waste receptacle provided at each hand sink;
- 12.2.8.10** An approved plastic sharps container marked with the international biohazard symbol provided to dispose of sharp objects;
- 12.2.8.11** If a steam, chemical, or dry heat sterilizer is provided then the specification sheets must be brought to the plan review;
- 12.2.8.12** An approved type of tattoo machine provided and specification sheets brought to the plan review;
- 12.2.8.13** A cleanable storage area for the tattoo machinery;
- 12.2.8.14** A cleanable storage area for sterilized equipment in packages, and other supplies such as surgical gloves, ink caps, razors, and gauze.
- 12.2.8.15** Restrooms must be provided and equipped with:
 - 12.2.8.15.1** A toilet which is conveniently located;
 - 12.2.8.15.2** A hand sink that is conveniently located and provided with hot and cold running water, antimicrobial hand soap, paper towels, and a covered waste receptacle;
 - 12.2.8.15.3** Counters that are constructed of cleanable, non-porous material;
 - 12.2.8.15.4** Walls sealed, at a minimum, with hard enamel paint; and
 - 12.2.8.15.5** Floors constructed of non-porous tile.

12.3 Application fees

Application fees shall be in accordance with the Health Authority's fee schedule. Additional fees are required if construction or remodeling takes place before the plans are submitted and approved.

12.4 Change of ownership

Upon change of ownership, the would-be Health Permit holder or responsible person of any existing establishment must submit plans to the Health Authority for review to ensure they comply with existing Regulations and codes.

Section 13 INSPECTIONS

13.1 Agent of Health Authority identification

An agent of the Health Authority shall wear and show the responsible person his Health Authority-issued identification upon entering a tattoo establishment to make an inspection or other official visit pursuant to these Regulations. Such an inspection or official visit may be made as often as the Health Authority determines is necessary to ensure compliance with these Regulations.

13.2 Responsible person must provide immediate access to Health Authority

Upon providing the required identification to the responsible person, the Health Authority shall be provided immediate access to the tattoo establishment to perform an inspection or other official work. Any unreasonable denial of access by a responsible person or tattoo operator to body art work stations or other areas of the establishment for inspection after the Health Authority has properly identified himself may result in an immediate suspension of the tattoo establishment Health Permit. The tattoo establishment Closure Order may state that the tattoo establishment Health Permit is suspended and all procedures and business activities must be discontinued immediately. Any responsible person to whom such an order is issued shall comply with it immediately.

13.3 Unlawful to interfere with Health Authority

It is unlawful for any person to interfere with the Health Authority in the performance of his duties, pursuant to NRS 199.300.

13.4 Health Authority must provide written report

13.4.1 Upon completion of the visit to the tattoo establishment, the Health Authority representative shall prepare a report describing any findings. The report must set forth any deficiencies discovered during the inspection.

13.4.2 Deficiencies may be present that do not constitute a substantial threat to public health and safety. Corrective actions for these types of deficiencies shall be noted on the inspection report and be assigned a specified period of time within which the indicated corrections must be completed.

13.4.3 A copy of the completed report must be furnished to the Health Permit holder, responsible person or operator of the tattoo establishment upon completion of the inspection.

13.4.4 A copy of the completed report must also be retained by the Health Authority for the records of the tattoo establishment.

13.5 Failure to correct a deficiency

13.5.1 Failure of the responsible person to correct a deficiency within the period specified in the written report is a violation of these Regulations.

13.5.2 Violations that constitute a substantial threat to public health and safety and their remedies are addressed in **Section 2** of these Regulations.

13.6 Frequency of inspection

Tattoo establishments shall be inspected at least twice each year for permitting purposes.

Section 14 ENFORCEMENT

14.1 Cease and Desist Orders and tattoo establishment Closure Orders

If any violation or combination of violations noted on the inspection report constitutes a substantial threat to health and safety, then the following actions may be taken by the Health Authority:

- 14.1.1** If a substantial health hazard exists and is limited to a distinguishable area or function of the tattoo establishment, then a Cease and Desist Order shall be issued by the Health Authority for that area or function. The Cease and Desist Order shall describe the violation, its location within the tattoo establishment, the corrective action necessary to remedy the situation, and a time frame within which the corrective action must be completed. That area or function is considered closed to patron or staff use. Other areas may continue to function as normal as long as the area where activities have been directed to cease does not constitute a substantial health hazard to areas remaining in operation.
- 14.1.2** Areas or functions of a tattoo establishment ordered to cease and desist operation may not resume their functions until released by the Health Authority.
- 14.1.3** When a substantial part of a tattoo establishment and/or its functions and services are issued a Cease and Desist Order or are closed, then the facility may be issued a tattoo establishment Closure Order. This Order requires that all activities related to the entire establishment's operation must cease until the substantial health hazards noted on the Order are corrected and a satisfactory reinspection has occurred.
- 14.1.4** If a violation exists that is considered not critical to the operation of the tattoo establishment and does not present an imminent threat to public health and safety, then it shall be noted on the inspection report, given a corrective action to remedy the violation, and a timeframe in which to perform the corrective action. Correction of the violation shall occur within the dictated time frame and may be reinspected at that time or upon the next routine inspection.

14.2 Reinspection protocol for Cease and Desist Orders and tattoo establishment Closure Orders

- 14.2.1** A tattoo establishment which has any area ordered to cease and desist operation or has been entirely closed due to a substantial health hazard must pay a reinspection fee and closure fee prior to requesting a reopening inspection of the area(s) in question (see the current edition of the Southern

Nevada Health District Fee Schedule).

- 14.2.2 Once the tattoo establishment pays the reinspection fee and closure fee and requests the reinspection, the Health Authority shall reinspect, or make mutually agreed upon arrangements with the responsible person to reinspect, within 72 hours of the receipt of the request.

14.3 Tattoo establishment Health Permit suspension

- 14.3.1 When conditions at the tattoo establishment result in the issuance of a tattoo establishment Closure Order or when the responsible person fails to remedy deficiencies previously addressed in an inspection report, Cease and Desist Order, or Closure Order, the Health Authority may suspend the tattoo establishment's Health Permit.

- 14.3.2 The Health Authority may also suspend a tattoo establishment Health Permit or business operation if the Health Authority has reasonable cause to suspected that:

- 14.3.2.1 The tattoo establishment does not have a **valid** tattoo establishment Health Permit, license, or other authorization required by applicable agencies of jurisdiction.
- 14.3.2.2 An unabated substantial health hazard is present, which may cause illness, injury, or death of patrons, operators, other employees, or others in or near the establishment;
- 14.3.2.3 Knowingly allows illegal activity to occur at the tattoo establishment, which may cause potential illness, injury, or death of patrons or employees or others in or near the tattoo establishment;
- 14.3.2.4 A communicable disease is being transmitted, or may be transmitted by a tattoo operator;
- 14.3.2.5 Unapproved or malfunctioning equipment is being used which constitutes a substantial hazard to public health;
- 14.3.2.6 Prohibited acts as defined by these Regulations are being performed at the tattoo establishment;
- 14.3.2.7 The tattoo establishment is engaging in the sale, use, or promotion of substances or devices claiming to remove or alter tattoos or permanent makeup by methods other than camouflage;
- 14.3.2.8 The tattoo establishment is engaged in the development, distribution, sale, advertisement, use, or has other involvement with a misbranded or adulterated cosmetic, drug, or device;

14.3.2.9 Rents, leases, or otherwise uses a room or area within the tattoo establishment which has been closed by the Health Authority.

14.4 Procedure for request of tattoo establishment Health Permit reinstatement

14.4.1 When a tattoo establishment Health Permit has been suspended, a responsible person representing the facility may make application for a reinspection, which may result in the reinstatement of the tattoo establishment Health Permit.

14.4.2 The applicant must provide to the Health Authority a written request for reinspection and reinstatement within ten (10) calendar days of the initial suspension of the Health Permit.

14.4.3 Following a timely review of the application, the Health Authority shall make a reinspection of the tattoo establishment.

14.4.4 The Health Authority shall determine if the conditions have been corrected, which caused the threat to public health and resulted in the suspension of the tattoo establishment Health Permit.

14.4.5 Unless the Health Authority is pursuing permanent revocation of the tattoo establishment Health Permit, if the conditions have been corrected and the applicant is complying with the requirements of these Regulations, the tattoo establishment Health Permit shall be reinstated.

14.5 Tattoo establishment Health Permit revocation

14.5.1 The Health Authority may permanently revoke a tattoo establishment's Health Permit under certain conditions. For serious or repeated violations of any of the requirements of this Regulation or for interference with the Health Authority in the performance of his duties, the tattoo establishment Health Permit or Tattoo Operator Health Card may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority, as outlined in these Regulations.

14.5.2 Health Permit holders, responsible persons, or tattoo operators may be subject to fines and penalties as determined by the Administrative Hearing Officer upon each notice of violation upheld for each offense taken before administrative hearing. If a tattoo establishment Health Permit holder, responsible person, or tattoo operator violates any of the provisions of these Regulations after three (3) consecutive inspections, then their privileges to operate may be revoked. Before taking such action, the Health Authority shall notify the tattoo establishment Health Permit holder, responsible person, or tattoo operator, in writing, stating the reasons why the tattoo establishment Health Permit or Tattoo Operator Health Card is subject to

revocation and advising the affected parties of the requirements for filing a request for an administrative hearing. A tattoo establishment Health Permit or Tattoo Operator Health Card may be suspended for cause pending its revocation or an administrative hearing.

- 14.5.3** Upon receipt of the revocation Order (Notice of Revocation), the tattoo establishment must cease immediately all provision of any tattoo services or adjunct services. The tattoo establishment must close all facilities such as retail sales operated under the tattoo establishment Health Permit pending a hearing pursuant to an exercised right of appeal. Revocations are intended to result in permanent closure of the tattoo establishment. The tattoo establishment may seek relief through the appeal process outlined in these Regulations.

14.6 Appeal rights

Upon written petition submitted to the Health Authority within five (5) business days after receipt of a Notice of Suspension or Revocation of a tattoo establishment Health Permit, the recipient of the written Notice may exercise his right of appeal and must then be afforded a hearing as soon as possible, and in any event in not more than ten (10) business days from the receipt of the petition by the Health Authority. Hearings shall be conducted by a Health Authority Administrative Hearing Officer and in accordance with the following:

- 14.6.1** Any party may be represented by counsel.
- 14.6.2** Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
- 14.6.3** Each party may call and examine witnesses, introduce exhibits, cross-examine of opposing witnesses on any matter relevant to the issues whether or not the matter was covered in the direct examination, impeach any witness, regardless of which party first called him to testify, and rebut the evidence against the party itself.
- 14.6.4** Every witness shall declare, by oath or affirmation, that he will testify truthfully. Unless limited by a specific statute, the Administrative Hearing Officer may administer oaths or affirmations to witnesses appearing before him in the hearing.
- 14.6.5** Irrelevant, immaterial or unduly repetitious evidence must be excluded. Evidence may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs. Effect shall be given to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced

substantially, any part of the evidence may be received in written form.

- 14.6.6** The Administrative Hearing Officer may issue subpoenas to compel attendance of any person at the hearing, and require the production of books, records and other documents material to a hearing.
- 14.6.7** The Administrative Hearing Officer may inquire of any witness following any segment of testimony.
- 14.6.8** Members of the public may testify in cases before the Administrative Hearing Officer.
- 14.6.9** All testimony shall be recorded verbatim, by human or electronic means. Any party requesting a transcript of any oral proceeding, or any part thereof, shall pay the cost thereof.
- 14.6.10** The decision of the Administrative Hearing Officer must be reduced to writing and shall be final ten (10) days after mailing to by certified mail, return receipt requested or personal service upon each party.
- 14.6.11** Any party aggrieved by a decision of the Administrative Hearing Officer may seek judicial review of the decision of the Administrative Hearing Officer, in accordance with the provisions of NRS 233B.130(2), and NRS 233B.131 through 233B.150, inclusive.

14.7 Health Authority additional legal remedy

- 14.7.1** Whenever the responsible person, operator, or owner fails to comply with the provisions of these Regulations in a timely manner, relief may also be sought through a court of competent jurisdiction.
- 14.7.2** Whenever responsible persons or tattoo operators are operating without legal authority to do so or in a prohibited manner, such as from their unpermitted, unlicensed private residences, the Health Authority, under its authority granted by NRS 439, may conduct an investigation into the matter. The terms, conditions, and policies of other applicable statutes and ordinances are intended to be applied in conjunction with the enforcement of all other ordinances of the state, county, and its municipalities designed for the protection of the public health, safety, morals, and welfare. The fact that such statutes or ordinances are not specifically referred to in these Regulations in no manner precludes their application to tattoo establishment permittees and tattoo operators.
- 14.7.3** Licensing authorities shall be notified by the Health Authority of the revocation of any tattoo establishment Health Permit.

Section 15

MISCELLANEOUS

15.1 Severability clause

Should any section, paragraph, sentence, phrase, or provision of these Regulations be held invalid for any reason, the remainder of these Regulations shall not be affected.

15.2 Effective date

15.2.1 These Regulations became effective upon approval by the Nevada State Board of Health.

15.2.2 These Regulations were adopted at a duly noticed public hearing and filed by the Clark County Clerk's Office on June 10, 2009.