



MINUTES

SOUTHERN NEVADA HEALTH DISTRICT WORKSHOP FOR PROPOSED BODY ART REGULATIONS

December 21, 2021 – 1:00 p.m.

Meeting was conducted in person and via Webex Event

Southern Nevada Health District, 280 S Decatur Boulevard, Las Vegas, NV 89107
Red Rock Trail Rooms A and B

STAFF PRESENT: Karla Shoup – Consumer Health Programs Manager
Mark Bergtholdt – Supervisor, Special Programs
Dante Merriweather – Senior Environmental Health Specialist, Special Programs
Michelle Goodsell – Environmental Health Specialist II, Special Programs
James Muth – Environmental Health Specialist II, Special Programs
Erin O'Malley – Administrative Assistant II, Special Programs

ALSO PRESENT: Kalawelo Kaiwi, Mari Gonzales, Leyla Fowler, Ainjil Chipp, Marko Greisen,
(In Audience) Robert Gonzalez, Luis James Tanuis Jr.

ALSO PRESENT: Albert Conant, Yalanda Baldon, May Crouse, Jeffrey McIntosh
(Via Webex Event)

I. **INTRODUCTORY REMARKS and INTRODUCTION OF SNHD STAFF**

Mark Bergtholdt called the meeting to order at 1:03 p.m. He requested anyone in the audience who had not signed into the meeting yet to do so. He then introduced the SNHD staff members attending the meeting.

Mark Bergtholdt provided website address, www.SNHD.info, where agenda for meeting and body art regulations under discussion. He also provided directions for audience members and Webex Event attendees on how to present their comments at the meeting.

II. **FIRST PUBLIC COMMENT:** A period devoted to comments by the general public about those items appearing on the agenda. Comments will be limited to five (5) minutes per speaker. Please clearly state your name and address and spell your last name for the record.

Seeing no one, Mark Bergtholdt closed the First Public Comment portion.

III. **MAJOR CHANGES TO CURRENT REGULATIONS**

Dante Merriweather presented an overview of the changes proposed for the regulations. These revisions were made after a review of the Nevada State Administrative Code, the National Environmental Health Association Body Art Model Code and input received from the public.

Numerous clarifications are proposed. More than fifty redundant or obsolete definitions have been removed. Language proposing the granting of waivers of the regulations has been included. There are some proposed changes to the mandatory language within the consent forms, and the imminent health hazards section of the regulations has been streamlined to include consolidated instructions for corrective action.

The largest proposed change to the two regulations for Tattooing and Body Piercing is the combining of them into one set of Body Art Regulations. Also proposed are changes to the body art card that will set a minimum level of experience for an artist before they can take on any apprentices. The proposed regulations will also limit the number of apprentices that an artist can have at any one time.

From an operational standpoint, the hand sink requirements have been more clearly defined, including a clarification that hand sinks must be permanently plumbed to potable water and sanitary sewer. The hand sinks must be a minimum size and there must be at least one hand sink for every four workstations, located no more than 15 feet from a procedure table. Any facility in compliance with the current hand sink requirements are fine until a change of ownership occurs or a remodel of the facility.

Also proposed are detailed requirements for an equipment processing room for any facility that uses reusable equipment that needs to be sterilized. Additionally, the minimum testing for the sterilizer has been increased from once a year to monthly. This is the minimum requirement adopted by the state. Each sterile pack must include a class five or six indicator to indicate proper sterilization conditions reached the surface of the equipment. For facilities that use reusable equipment, an ultrasonic cleaner must be used on equipment prior to processing the equipment in a sterilizer.

There is a proposal to set conditions for expired equipment that can be stored within the facility. These conditions include allowing the equipment to be used only for practice when it is properly labeled and stored.

There are also proposed minimum requirements for jewelry and improved instructions for handling solid waste and biohazardous waste.

These changes have made the Regulations more concise, reducing the number of pages from 67 to 59 pages.

This is a broad overview of the main items that have been altered, expanded, or deleted in this revision. All concerned parties are strongly urged to closely read and review the proposed revisions in a timely manner and present any concerns to the Southern Nevada Health District as soon as possible.

IV. PUBLIC COMMENTS TAKEN REGARDING PROPOSED SOUTHERN NEVADA HEALTH DISTRICT REGULATIONS GOVERNING THE SANITATION AND SAFETY OF BODY ART ESTABLISHMENTS

Public comments were taken by Regulations section.

- 1. Definitions: This section is where all the definitions are. Words that are defined in these Regulations will appear in bold text through the Regulations.**

Leyla Fowler made note of piercing definition, quoting “to make, generally permanent in nature, a hole, mark, or scar.” She stated fellow body art artists did not feel that was the definition of piercing. For them, piercing is placing body jewelry or adorning the body, not purposefully making a permanent mark or scar. She requested the wording be addressed.

Mark Bergtholdt asked how she would address that wording. Ms. Fowler said that is how she would like it addressed, that “piercing is adorning the body and inserting jewelry.” They are not purposefully making a permanent mark or scar.

Audio issues were noted as affecting some Webex Event attendees. The issues were acknowledged, and suggestions provided for fixing the issue.

Ms. Fowler returned to the podium to state she noticed a change was made in definitions to add journey body artists and wondered if consideration was given to a master system versus a journey system. Mr. Bergtholdt stated the wording would be taken under consideration.

Ms. Fowler requested years of experience be taken into consideration in regard to needing four years before accepting apprentices and when renewing expired body art cards, so those with years of experience are exempted from retaking the body exam and starting over.

2. Imminent Health Hazards: These are the conditions that require immediate closure of a body art establishment.

Audio issues continued to affect two Webex Event attendees. Mark Bergtholdt noted the problem was being worked on that answers would be provided as soon as possible.

Marko Greisen provided comment on previous regulation section, 1.28, and questioned whether lash enhancement should be included. Believes lashes are a cosmetology issue and not related.

Leyla Fowler requested that online participants be made public and was concerned the lack of participation from industry meant the majority of shops did not know about the meeting. Mr. Bergtholdt stated emails were sent out to the shops and artists using the email addresses the health district had one file. Karla Shoup added that two more workshops would be held and confirmed that those workshops would be following the same agenda.

A list of Webex Event participants was added to the screens in the conference room.

No comments provided by audience or Webex Event attendees on Section 2.

3. Facilities and Equipment: This section describes the minimum requirements for a body art establishment.

Kalawelo Kaiwi asked question about equipment, processing of instruments and jewelry. He stated new factory jewelry is placed in a statum. Mr. Kaiwi said the statum is considered a type of autoclave and he uses it on non-sterile jewelry, not just instruments. Mark Bergtholdt requested clarification on the process of using a statum. Mr. Kaiwi advised a statum is an autoclave in cassette form. He requested clarity on placing it in a processing room, as he said they are not using it on hazardous, or biohazardous reusable jewelry – it is being used on new jewelry. He requested clarity, as the proposed regulations state sterilizing equipment must be placed in a processing room, not in the procedure room where it is currently placed, and that a new processing room would then need to be added. Mr. Bergtholdt then asked if Mr. Kaiwi would like to see wording to the effect that if the equipment is to be used for single-use new jewelry, it can be placed in the procedure room. Mr. Kaiwi stated he would simply like clarity on the wording and Mr. Bergtholdt said it would be taken under advisement.

Leyla Fowler requested clarification on section 3.10.3 – biohazardous waste disposal. Would like to know if the trash cans in the procedure rooms would now be considered biohazard

waste versus regular waste, and what impact that would have on having biohazard pick up sufficient enough for multiple artists in one studio. Ms. Fowler asked if they could still dispose of waste that is not liquid releasable waste in the regular trash. Mr. Bergtholdt stated that is correct, but that the wording can be clarified.

Kalawelo Kaiwi commented on the processing room and the two-compartment utility sink requirement. Requested a definition of a two-compartment utility sink for these regulations and wanted to know if it can be porous, like a sink to wash clothes. Mark Bergtholdt stated it can be any two-compartment utility sink, as opposed to a food preparation sink. He stated the health district would look at clarifying the wording.

Leyla Fowler commented on Section 3.13 – equipment processing room. While her shop has a processing room, she asked if current shops would need to remodel to meet the new proposed specifications, or if these requirements would be for new shops only. Mark Bergtholdt stated these proposed specifications would be for new shops or any shops going through a remodel or change of ownership, which would require the shop come into compliance at that time.

Marko Greisen commented on the new proposed lighting requirements requiring that lighting be made of materials that do not shatter. Mark Bergtholdt stated that the materials surrounding or covering exposed lighting should not be made of a material that shatters, not the bulbs themselves. Bulbs should not be exposed.

Marko Greisen commented on Section 3.11.5, which requires a sharps container at each workstation. He asked if a workstation has two beds, will one sharps container be sufficient. Mark Bergtholdt said the health district can look into that situation.

Erin O'Malley read question from Webex Event attendee Jeffrey McIntosh, "With the current COVID restrictions, why is the amount of sinks being changed?" Mark Bergtholdt stated he could not comment specifically on that, but that it was a request from outside the health district and the change would match up with the Body Art Model Code from the National Environmental Health Association and the state requirements. Leyla Fowler requested clarity on Mr. Bergtholdt's comment that the change was a request from "outside." Mr. Bergtholdt stated a listening session was held in September and that's where the number of hand sinks was brought up. He stated health district staff had also been discussing the number of hand sinks per station.

Ainjil Chipp requested clarification on closed screening for private stations. She wanted to know if that requirement pertains to private studios that are not open to the public. Mark Bergtholdt stated this would be taken under consideration.

Leyla Fowler also requested clarification as to if the screening regulation would pertain "across the board," as there are several open-space studios. She also wanted to know if someone could attend more than one workshop to comment on the changes. Mark Bergtholdt stated that yes, multiple workshops could be attended for comment and that comments could also be sent in via email to bodyart@snhd.org.

Erin O'Malley read comment from Webex Event attendee Albert Conant, "Please define private studio." Mark Bergtholdt stated the health district will take defining a private studio under consideration. Karla Shoup asked if anyone would like to comment on the definition of a private studio. Ainjil Chipp stated she owns a private studio, which is not open to the public, is by appointment only, and does not have posted hours. Mr. Bergtholdt drew attention back to Ms. Chipp's previous comment on section 3.12, which requires at least one

workstation that can be screened from the public and other patrons for privacy, stating if there is one body art workstation, it inherently is private. Ms. Chipp responded that there have been mixed messages from inspectors regarding this issue, as some inspectors stated that since it is a private studio screening is not needed, however other inspectors have commented there needs to be at least one rolling, movable screen in case two artists are working at the same time.

Erin O'Malley read comment from Webex Event attendee Albert Conant, "We are all public shops."

4. General Sanitation: This section describes the minimum sanitation requirements for a body art establishment.

Leyla Fowler commented on Section 4.3.3.7 – if needed, placed in a sealed sterilization package with a class V chemical indicator or class VI chemical indicator. Ms. Fowler asked if the definition of indicator has changed and wanted to know if rolls of self-sealing with a note inside indicating date and sterilization are still allowed under this definition. Mark Bergtholdt stated this is one of the changes to the regulations and requires each package contain a class 5 or 6 indicator, which means the conditions for sterilization occurred at the surface of the equipment. Temperature, time, and pressure are all measured. Mr. Bergtholdt clarified that this is different indicator that's different from the package and different from the tape. He stated some indicators are only temperature sensitive, while others are temperature and pressure sensitive. The health district is wanting an indicator that shows sterilization on the surface of the equipment met time, temperature, and pressure conditions. Mr. Bergtholdt stated these types of indicators are available for approximately twenty cents apiece. He agreed with comment from the audience that steristrips meet these conditions. Ms. Fowler requested confirmation that after jewelry, tubing, and other equipment is sterilized, each individual item should have a steristrip placed inside the packaging. Mr. Bergtholdt confirmed that is the requirement and explained the reason for this change is that inspectors have seen packs that are not being processed properly, so this new requirement will make sure sterilization is occurring at the surface of the equipment.

Leyla Fowler commented on the same Section 4.3.3.7 – class V chemical indicator – that the sterilizer currently used in her establishment is a steam sterilizer and she wanted to confirm that was still okay. Mark Bergtholdt confirmed it was okay.

Leyla Fowler requested clarification on the number of indicators needed for packages that contain multiple pieces of jewelry that have not been cut apart. Mark Bergtholdt stated if it is one pack, one indicator is needed – one indicator per pack. Mr. Bergtholdt clarified that when he says "indicator" he means chemical indicator, not mechanical.

Erin O'Malley read a comment from Webex attendee Albert Conant, who requested an example of the product. Mark Bergtholdt stated that typing "class 5 chemical indicator sterilizer" on any search engine should show these products.

Leyla Fowler commented on Section 4.4.4 – Equipment packed in peel-packs or heat-sealed plastic and sterilized in house. Requested clarification regarding studios with multiple locations sterilizing at one location and distributing to the other locations. Wording is "per studio, per use." Mark Bergtholdt confirmed the wording and stated they would take the multiple studio scenario under consideration.

Kalawelo Kaiwi presented photo on his smart phone of the class 5 indicator he had searched for via the internet. Mark Bergtholdt confirmed the photo was of one of the indicators under discussion.

Kalawelo Kaiwi commented that sterilizing pouches already have an indicator on them. Requested confirmation that the indicators under discussion were in addition to the indicators on the pouch. Mark Bergtholdt confirmed that this is correct, as indicators on the packaging are not class 5 as they only indicate temperature, and the health district would like an indicator of time, pressure, and temperature.

Leyla Fowler commented on Section 4.7.4 – Only distilled water or sterile water dispensed from an unopened single-use container can be used for the mixing of inks, dyes, or pigments. She wanted to know if there were options other than the gallon-sized containers generally found. Mark Bergtholdt stated sterile water containers can be found in sizes less than one gallon and advised once a container of sterile water is opened the water is no longer sterile. Ms. Fowler stated it would be best to not continue purchasing gallon-sized containers, as it must be tossed after it has been opened.

5. Responsible persons and other body art establishment employees: This section describes the responsibilities of each person working in a body art establishment.

Marko Greisen commented on Section 5.1.1 – The permit holder must designate a responsible person or persons to act on their behalf within the body art establishment. A responsible person must be present during all hours of operation and any time a body art procedure is being performed. He requested clarification on how this would work if an artist was working on a day that the owners were not in the shop. Mark Bergtholdt asked what the process would be if the health district showed up on a day when the person acting on behalf of the permit holder was not present; would the person working in the establishment allow the health district entry for an inspection and be the responsible person at that time. Mr. Greisen stated they would allow entry, and Mr. Bergtholdt said that is the definition of a responsible person. Karla Shoup advised there are additional responsibilities for the responsible person outlined in the regulation, and that the person must be capable of meeting them. Mr. Greisen clarified that the person can change, and Ms. Shoup confirmed. She reiterated that the responsible person is capable and willing to fulfill the responsibilities outline in this section of the regulations.

Marko Greisen requested additional clarification on the wording “accountable for compliance with all requirements issued by all relevant state, county, and local agencies of jurisdiction where the body art establishment conducts business.” He stated that person doesn’t hold any legal right to that business or responsibility, per the definition.

Leyla Fowler requested clarification on Section 5.3.2.2 – maintaining a list of all body artists who no longer work in the establishment, and the reasoning behind the requirement to keep their information for two years. Mark Bergtholdt stated he believes that requirement came from the state and would investigate it. He stated the health district might need the information in case of an outbreak investigation involving someone who may no longer work in the establishment. Mr. Bergtholdt requested feedback on if industry would like to see something less or something more regarding that requirement. Ms. Fowler replied that she would like to see something less, as once the person leaves her establishment, they are their own entity and questioned holding on to their information.

6. Patrons: This section describes the minimum requirements for a patron and what they must be advised.

Leyla Fowler commented on Section 6.1 – patron age requirements – noting that the age requirement was removed. Mark Bergtholdt responded that it was not believed that an age requirement was necessary, as each business could set their own limit according to their practices. Kalawelo Kaiwi questioned whether providing services for patrons under a certain age might be considered statutory rape when touching anything on the torso. Mr. Bergtholdt stated that is not something the health district enforces; the health district enforces public health regulations and moral issues are enforced by other agencies, such as the police. Ms. Fowler stated she felt the lack of an age requirement was concerning. Karla Shoup stated she agreed and that it was something the health district would take under consideration. She advised a pediatrician and/or other medical professionals might be contacted to gather their opinions. Ms. Fowler stated the body art industry has relied on certain regulations so they can say “Absolutely not” and wondered why items like this were being removed.

Ainjil Chipp commented that she believes an age limit is required due to some of the requests from parents she has received over the years for piercings on their minor children. Ms. Chipp also requested reassurance that when a parent sues because the artist did, or did not, provide a requested service – or someone feels they were discriminated against – the health district will back them up. She stated providing a set of standards is important, as minors cannot speak for themselves. Karla Shoup asked if there is a minimum age that Ms. Chipp would recommend. Ms. Chipp stated sixteen may be acceptable to some artists but felt any piercings that require a minor to take their shirt or pants off should not be allowed.

Webex attendee Albert Conant commented that children under fourteen requesting piercings should be sent to pediatricians, and that piercing under that age could be considered child endangerment. He stated tattooing anyone under age eighteen should be limited. Requested age limit be added back into the regulations.

Leyla Fowler commented that ear lobe piercings would not be included in any minimum age requirements. She reiterated that anything that requires taking the shirt or pants off a minor should have an age requirement.

Marko Greisen commented that he agreed with Leyla Fowler’s recommendation to exclude ear lobe piercings from minimum age requirements. He stated that for permanent makeup he recommends a minimum age limit of sixteen with a parent present, as a sixteen-year-old can drive and get a license.

Leyla Fowler commented on Section 6.3.5 – patron evaluation must include the following statement, “Consult a physician prior to the procedure if you have any concerns about any of the questions below:” requesting clarification on what this wording means. Should the tattoo or piercing be halted at that time until the person has consulted a doctor? Mark Bergtholdt clarified that a doctor would only need to be consulted if the client had concerns with the other questions in the evaluation.

Leyla Fowler requested the wording be reviewed on section 6.3 in regards to risk notification, as it seems to place blame on the body art establishment or artist if an infection occurs due to improper aftercare and they have no control over what the client does after they leave. Mark Bergtholdt stated the risk notification section is to advise the client of possible adverse reactions and side effects of body art. Ms. Fowler stated she is not averse to the risk notification, as that has always been part of the regulations, but is concerned with the wording. Karla Shoup advised her that if she has any suggestions for the wording to please email them to the health district.

7. Body Art Procedures: This section describes the minimum steps and conditions of any body art procedure.

Kalawelo Kaiwi commented on Section 7.4.7 – jewelry standards ASTM F138 and ISO. He said the standards of jewelry compliance in three countries – Japan, Europe, and United States – provide percentages of materials in the jewelry, but the proposed regulations do not state percentages and are very specific standards. The grade of material is not defined. He said industry has been using 316L standard for years, which specifies the base material from which the jewelry originates. Mr. Kaiwi stated there is little compliance with ASTM F138. He acknowledged the titanium ASTM F136 standard jewelry is widely available, but the steel ASTM F138 is not. Mr. Kaiwi questioned whether industry can use jewelry that complies with the material content of ASTM F138. Karla Shoup said she believed the standard came from the Body Art Model Code, and Mark Bergtholdt said it might also be part of state code. Both indicated the health district can investigate the issue, as this is new to the regulations. Mr. Kaiwi stated 316L steel has been used for years and questioned whether there was any data or statistics to show that standard was unsafe. He also advised 316L is commonly used in medical instruments and medical implants, and that the F138 standard would limit jewelry purchases to high end shops at higher cost. Ms. Shoup stated the health district would investigate.

Leyla Fowler commented that she is also concerned with this section of the regulations regarding jewelry standards and advised this would require her to purchase jewelry from three specific jewelry companies to meet the standard. She said this would have a huge financial impact on piercing businesses. Ms. Fowler requested the standard be returned to the 316L standard industry has been following for years. Mark Bergtholdt stated he had just reviewed NAC 444, which the health district regulations must meet. Those regulations identify ASTM standard F138 and ISO 5832-1 as the minimum requirements for the steel that needs to be in jewelry. Kalawelo Kaiwi spoke from the audience, questioning whether the 316L standard falls into that same standard. Other audience members said it did. Ms. Fowler commented on the requirement to provide mill certificates and ISO certificates. She stated there are only three major companies that provide the ISO compliancy certification, and they would be unable to use multiple suppliers that they have been purchasing from for years. This would cause costs to rise and cost them the relationships they have with these suppliers. Karla Shoup reiterated that the health district would look into the matter and requested those who are concerned about a financial impact on their business due to the new regulation complete the business impact survey.

Kalawelo Kaiwi asked whether the 316L standard complies with the ASTM F138 standard. Karla Shoup and Mark Bergtholdt stated they needed to investigate this. Mr. Kaiwi requested additional wording in the proposed regulation to clarify the standard and if 316L would comply. He said there is no data that proves someone fell ill or was hospitalized due to the material used, but that infections may occur with how clients care for their new piercings. He requested clarity on if 316L meets the standard proposed in this regulation. Mr. Bergtholdt said the health district would review that section.

Webex attendee Albert Conant commented that his shop uses sterilized 316L needles and jewelry. He stated they provide a good product and believes 316L should be included in the regulations.

Lou Tanuis commented on externally versus internally threaded jewelry. He asked if there was any data to show that in a healed piercing, damage had occurred directly from the externally threaded jewelry. He stated that if done properly, externally and internally threaded jewelry should have the same safe, damage-free outcome if 316L compliant jewelry

is used. Mark Bergtholdt stated the health district would investigate the issue. He then reviewed NAC 444 and advised it requires all threaded or press-fit jewelry must have internal tapping or threading.

Leyla Fowler commented that industry has been operating for years under the previous standards and was not aware changes had occurred at the state level. She requested the health district attempt to have these new regulations reversed or direct her to anyone who could assist. Mark Bergtholdt advised this would need to be taken to the state level, as the new standards were part of the body art regulation changes made in 2017. When Ms. Fowler questioned whether there was any leeway in relation to this section of the regulations, Mr. Bergtholdt again advised the health district would review this issue and he would speak with his counterparts at the state level for more information. He also stated this new standard is part of the National Body Art Model code. Ms. Fowler stated this section of the national standards were not enacted in other cities, and that their current suppliers cannot show the certification required because they are not in “the same club” as the other jewelry companies that can show certification. She requested the proposed regulation be reworded. Mr. Bergtholdt requested confirmation that she would like to have 316L included as one of the standards, and Ms. Fowler stated she would like it included.

Mark Bergtholdt questioned the statement that other cities had tried to enact these standards and had issues. Kalawelo Kaiwi approached the podium to state this was attempted in Seattle and Portland and there was a sense that this standard was very biased on the behalf of material made in the Unites States. He said material sourced from Europe and Asia meets the standards of federal regulations in regard to implant-grade products, but when these specific codes are required for compliance there are only specific companies that meet them. Mr. Kaiwi stated he felt this specific guideline does not come down to safety, but instead is biased towards certain companies selling merchandise and jewelry. He also advised that wait times for these companies now have six month waiting lists for their products.

Kalawelo Kaiwi commented on the section of the regulation requiring certificates and records be held for three years. He questioned how the health district would be able to determine which material is which in a jewelry lot. Karla Shoup stated this requirement has to do with product recalls, and the establishment would keep records of the patrons and what items were used. If the health district becomes aware of a recall they can ask if any facilities used that product and make sure the patrons are notified. Mr. Kaiwi requested clarity regarding documenting the origin of products and questioned if this was related to recalls. Mark Bergtholdt confirmed documentation of product origin is needed for recalls. He also stated that if a patron becomes ill from a particular piece of jewelry, such as poisoning from a piece of metal leaching, the records can be used to trace back from the shop to the supplier and then to the manufacturer.

Kalawelo Kaiwi requested confirmation that in 2017 a law was passed requiring internal threading of jewelry. Mark Bergtholdt confirmed this to be the case and stated the health district regulations can be no less stringent than the state’s regulations.

Leyla Fowler commented that she and other shops would like to see the wording changed so that they can continue to use their suppliers, who can provide mill certification but not the certification required by this new regulations. She requested the material they are currently using be added back into the regulations.

8. **Body Art Card: This section describes the various body art cards and the limitations of each card.**

Marko Greisen provided comment on Section 8.3.4.1.3, requesting clarification on the wording “sponsor no more than ten apprentices at any one time.” Mark Bergtholdt stated this was requested by industry, as there are some businesses that have a model of paying for training and accepting tens of people every six months, but not providing proper apprenticeship training within that time. He said the new requirement would be each journey or master artist can only have ten apprentices practicing at any one time under them for the length of six months. Mr. Greisen said this requirement would greatly impact their business, as they have five to ten apprentices that start at the beginning of each month for a six-month training session. Mr. Bergtholdt questioned how many artists are employed by the business, and Mr. Greisen explained their business model. Mr. Bergtholdt asked Mr. Greisen what his proposal would be for this section. Mr. Greisen stated he would propose no more than ten apprentices per month in a sound environment with a proper curriculum and employees to support the training. He said in his business they have one master artist and two journey people, with approximately forty to fifty apprentices. He stated 80% of their business was training and 20% service. Karla Shoup asked if a distinction should be made between a shop and an educational facility. Mr. Greisen stated he thought so, as his facility is like a school and how it is treated. He then commented that he felt that people needed four years of experience before they could take on an apprentice, which Mr. Bergtholdt stated was the key with this new regulation.

Ainjil Chipp commented that she wants to see a two-year apprenticeship for body art, but even a one-year apprenticeship would be more appropriate than the current six months. She stated she is unfamiliar with permanent makeup training or piercing, but that ten apprentices for a tattoo artist would be too much. Ms. Chipp requested clarity between the different procedures and the number of apprentices each type of artist could accept at one time. She felt a tattoo artist should only have one apprentice at a time.

Marko Greisen agreed that a one-year apprenticeship would be best, and that people need more experience. He also clarified that his business does not have ten apprentices in the facility at one time; they are all scheduled so there are a few at a time. Mr. Greisen also commended on Section 8.8.1 – Body artists and journey body artists must not perform body art procedures if their body art or journey body artist cards are expired. He states he agrees with that statement, and then questioned the section that states current body art card holders can apply for a journey body art card without the four years’ experience. Mark Bergtholdt said this is necessary as the health district cannot change the rules on them, and that this would act as a “sunset clause.” The section captures those card holders who are already in the system. Mr. Bergtholdt also emphasized an artist must apply for a journey card before accepting apprentices as a key part of the proposed regulations.

Webex attendee Albert Conant commented that his business is taking care of customers and making sure tattoos and/or piercings are done properly, safely, hygienically. They are not in the business of trying to sell or selling certifications to other artists. Apprentices are watched very closely, and he stated the idea of having ten apprentices in a shop that is not a school is “crazy” unless multiple journeymen are there monitoring the apprentices. Mr. Conant commented that four years should be the minimum for somebody training someone else in the art of tattooing, as well as piercing. Due to the amount of training required, he suggested an artist have eight years of experience before training others. He stated he looks for the most experience possible when hiring.

Ainjil Chipp commented that attendees at the earlier listening session proposed ten years’ experience for tattooing and two-year apprenticeships. She said she wanted to remind everyone of these proposals, since not everyone attending this meeting attended the last one, and she wanted to make sure everyone was informed. Mark Bergtholdt responded that

the purpose of the health district is to protect public health, not to ensure businesses are running at high quality. He stated the minimum requirement for public health is blood borne pathogens in a body art shop; the health district does not regulate the quality of the artists there. Mr. Bergtholdt said there had even been a push to eliminate the body art card, questioning its public health significance. He advised OSHA should ensure that, but since OSHA does not visit regularly the health district is stepping into that role with the card, ensuring that people understand bloodborne pathogens. Ms. Chipp stated she is aware that artists are responsible for the type and quality of the artwork done by their apprentices, which is why she felt the more experience the better to take on an apprentice. She stated she felt the minimal training could hurt somebody due to the apprentice not receiving proper education. Ms. Chip commented that requiring a lengthier apprenticeship would require people to take it seriously and the apprentice would receive an education to better protect the people they are tattooing. Mr. Bergtholdt thanked Ms. Chipp for her comments and stated they would be taken into consideration. He then stated the health district cannot regulate ugly body art, as that is not the district's job. Ms. Chipp responded that the issue she was concerned with was opening the skin and causing an abrasion susceptible to a host of different bloodborne pathogens and other diseases that the public can be protected from with better education.

Kalawelo Kaiwi commented that if safety is the main concern and not quality, he would like to request again that the jewelry aspect of the proposed regulations be reviewed. Mark Bergtholdt stated the district was committed to looking into that description.

Marko Greisen commented that permanent makeup, tattooing, and piercing are all slightly different. Karla Shoup stated that from the health district standpoint, trying to protect public health is the main concern, which comes back to bloodborne pathogens. She explained this is why the regulations were combined, since the focus on public health is the same regardless of the different nuances seen in the industry.

Leyla Fowler commented on the fees for cards not being present in the proposed regulations. Mark Bergtholdt stated these are listed in a separate fee schedule, not in the regulations. She asked if anything had changed, and he stated no.

9. Body Art Special Events: This section describes the conditions and requirements for body art special events.

Mark Bergtholdt clarified that a special event permit is still required, even if an artist has a body art card – no change.

No comments provided by audience or Webex Event attendees on Section 9.

10. Health Permit: This section describes how a permit is issued, various exemptions, what information needs to be posted by the body art establishments, and what information needs to be shared with the health district.

Leyla Fowler requested confirmation that currently open studios would not be required to remodel if proposed regulations are adopted. Mark Bergtholdt confirmed this to be the case.

Leyla Fowler inquired if the waiver process could be utilized to waive the body art jewelry material requirements proposed in Section 7 of the Regulations. Karla Shoup explained the waiver process and advised the health district needs to investigate the jewelry issue before confirming the proposed regulation change will be pursued as written. She stated this

change is a state law and there is little room to change it. Ms. Shoup requested assistance from industry in evaluating if the current health district jewelry regulations have presented a risk or hazard to public health and requested any substantiating information they can provide. She explained that when a waiver is submitted a risk is identified, and an explanation provided for why that regulation cannot be complied with and the alternative method that will be used to mitigate the risk. Ms. Shoup stated waivers are accepted in the pool program, and they would like to introduce them to the body art program, as well.

Webex attendee Albert Conant suggested wording changes to proposed regulations stating that whenever there are specific labels or standards listed in the regulations, the words “or equivalent” be used to cover the constantly changing metal materials. He stated there are many different standards with jewelry, and if they provide the same protection then “or equivalent” wording would resolve some of that problem.

11. Enforcement: This section describes how the health district will enforce these regulations.

No comments provided by audience or Webex Event attendees on Section 11.

12. Permit Suspension: This section describes what action can be taken and how the health district can suspend and revoke the permit.

No comments provided by audience or Webex Event attendees on Section 12.

13. Necessary Legal Language:

Leyla Fowler commented on the “Miscellaneous” section of the language, stating the wording can be interpreted to mean that these regulations have already taken effect and requested clarification. Karla Shoup said there are still several steps left before the proposed changes get to the implementation and documentation. Mark Bergtholdt said this language is in the regulations for when these changes are adopted. He confirmed there is still a long way to go.

Kalawelo Kaiwi requested an explanation of why single point piercings or dermal anchors are not allowed. Mr. Bergtholdt responded that this was a decision made when these regulations were first drafted. Single point piercings were considered a medical procedure and if a facility wants to do single point piercings, they can get a contract with a doctor to perform this procedure under their supervision. Mr. Kaiwi requested additional clarification as to why it is considered a medical procedure. Mr. Bergtholdt explained that medical personnel at the health district made that determination and continue to make that determination.

V. SECOND PUBLIC COMMENTS: A period devoted to comments by the general public, if any, on any subject, and discussion of those comments. Comments will be limited to five (5) minutes per speaker.

A question was asked about whether minutes of the meeting would be made available. Karla Shoup stated yes, the minutes will be posted online.

Leyla Fowler stated she did not see this meeting and its date posted on the website; she only knew about the meeting from an email she received. Mark Bergtholdt stated the meeting information was posted on the website under Public Notices. Ms. Fowler questioned when the minutes would be available online, and Ms. Shoup stated it would be posted once Erin O’Malley was able to type them.

Mr. Bergtholdt thanked Ms. Fowler for her comment and stated he can have these meetings and the minutes posted on the Body Art webpage, but these notices can also be found in the Public Notices section of the health district website.

No further comments and Mr. Bergtholdt closed the second public comments portion.

VI. SUMMARY and FINAL SNHD COMMENTS

This is the first of three public workshops. Additional workshops will be held on January 6th, at 9:00 a.m. and January 13th, at 1:00 p.m. SNHD will take any public comment on the proposed regulations, any data on the impact to businesses, until January 31st, 2022. Comments can be made in person in an upcoming workshop, or they can be emailed to Special Programs at bodyart@snhd.org.

Mark Bergtholdt requested everyone complete a Business Impact Survey, which is an opportunity to provide input to the health district on the impact these proposed regulations will have on business. Surveys were included in the email sent out on Monday, December 6th, 2021. Audience members could also take a blank form from the ones provided at the table near the door. Mr. Bergtholdt requested completed forms be returned following the directions at the bottom of the survey.

VII. ADJOURNMENT

Mark Bergtholdt adjourned the workshop at 3:15 p.m.