



MINUTES

SOUTHERN NEVADA HEALTH DISTRICT WORKSHOP FOR PROPOSED BODY ART REGULATIONS

January 6, 2022 – 9:00 a.m.

Meeting was conducted in person and via Webex Events

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: Robert Gonzales, Mari Gonzales, Kalawelo Kaiwi, Ainjil Chipp, Marko Greisen,
(In Audience) Danielle Greisen, Cesar Fernandez

ALSO PRESENT: Kathy Davis-Rees, Giselle Reyes, Albert Conant, Karla Delarosa, Hardline
(Via Webex Events) Hemill, Josh Peattie, Dale Parris, Vanessa Nornberg-Barey, Adolfo Medina, Mo
Fatu, Wendy Chester, Benjamin Lepore, Emily Rocha

I. INTRODUCTORY REMARKS and INTRODUCTION OF SNHD STAFF

Mark Bergtholdt called the meeting to order at 9:04 a.m. He requested anyone in the audience who had not signed into the meeting yet to do so and stated the name and email address of Webex Events attendees was collected when they entered the meeting. He then introduced the SNHD staff members attending the meeting.

Mark Bergtholdt provided the website address, www.SNHD.info, where the agenda for the meeting and body art regulations under discussion are posted. Mr. Bergtholdt stated this would be attendees' opportunity to provide input on the proposed regulations. He also provided directions for audience members and Webex Events 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.

We are proposing numerous clarifications. More than fifty redundant or obsolete definitions have been removed. Language proposing the granting of waivers of the regulations has been included. There are 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 combining them into one set of Body Art Regulations. We are also proposing 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 fifteen 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.

The minimum size of a workstation has been decreased from one hundred square feet to eighty square feet.

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.

Finally, 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.

Mark Bergtholdt spoke about the results of the previous workshop. Minutes for the workshop have been posted to the website, and he stated the health district is in the process of revising the proposed regulations to take the following into account:

1. Section 1
 - a. Changing the word journey to mentor;
 - b. Adding a definition for microblading.

2. Section 4

Providing a provision for a sterilizer to be located in a procedure workstation as long as:

 - a. The sterilizer is not connected to water or sewer;
 - b. Equipment and/or jewelry cleaned in a processing room is not packaged for sterilization and is used immediately after sterilizing.
3. Section 6

Added a minimum age of fourteen years old that a facility can apply body art not exempted by the regulations.
4. Section 7
 - a. Lessening the specifications on initial piercing jewelry including
 - i. Not requiring internal threading, but requiring no exposed threads when assembly is complete;
 - ii. All jewelry must be obtained from a reputable firm. If custom jewelry is made ASTM standards for metals will apply;
 - b. Removing the requirement to maintain material certificates. Information provided by them is to be retained on the supplier receipts.
5. Section 8
 - a. Decreasing the number of apprentices a mentor body artist can support to five;
 - b. Carving out microblading and increasing the number of apprentices that a mentor microblading artist can support to fifteen.

Based upon the comments received in this meeting, the Health District will make those revisions and publish them.

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. Copies of the originally proposed regulations were made available to meeting attendees.

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.

No comments provided by audience or Webex Events attendees on Section 1.
2. **Imminent Health Hazards:** These are the conditions that require immediate closure of a body art establishment.

No comments provided by audience or Webex Events attendees on Section 2.
3. **Facilities and Equipment:** This section describes the minimum requirements for a body art establishment.

No comments provided by audience or Webex Events attendees on Section 3.
4. **General Sanitation:** This section describes the minimum sanitation requirements for a body art establishment.

No comments provided by audience or Webex Events attendees on Section 4.
5. **Responsible persons and other body art establishment employees:** This section describes the responsibilities of each person working in a body art establishment.

No comments provided by audience or Webex Events attendees on Section 5.

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

Webex Events attendee Albert Conant commented he had concerns with patron ID. He stated that he recognized that industry requested fourteen years of age be put in the regulations as the minimum age, however patrons under twenty-one years of age or eighteen years of age do not have any identification other than a school identification. Mr. Conant said he recognized that when parents register a student for school, the parent presents a birth certificate and the parent's ID; the school then creates an identification card for the minor. He commented they would lose many customers if a school identification, along with a birth certificate and identification from a parent listed on the birth certificate, could not be used. Mr. Conant commented that he would to have school ID as an acceptable form of identification.

Benjamin Lepore commented that he was concerned with requiring all the lot numbers, batch numbers, expiration dates of everything being used on a patron, including colors and the brands of inks. He said he thought this was too much, especially when doing full color saturation, realism tattoos. Mr. Lepore said it was a lot to record every single time, especially in a high-volume shop. He commented that the Health District is already inspecting that materials are not expired during inspections, and that the additional requirements would take up a lot of time that is not needed.

Webex Event attendee Albert Conant commented that he agreed with previous speaker. He said their ink is inspected, they use sterilized distilled water for mixing, and they are using disposable needles so documenting all those items being used are excessive. Mr. Conant commented that when doing multiple colors and these other types of things, this documentation is a restraint and impacts the ability of them to do business.

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

Mark Bergtholdt read into the record a letter received from Black & Wadhams Attorneys at Law on behalf of Koolsville Tattoos and addressed to Scott Black, chairperson of the Southern Nevada Health District Board of Health. A copy of the letter is attached to these meeting minutes.

Webex Events attendee Vanessa Nornberg commented that she is representing Metal Mafia, one of the largest suppliers in the United States, supplying jewelry to five thousand plus jewelry stores and tattooing/piercing shops across the country for the last seventeen and a half years. She said they have produced millions of pieces of 316L steel used in piercings, and that the steel is 316L not ASTM standard because it is not produced in the United States. Ms. Nornberg commented the ASTM standard is only applied to American products and there are several regulatory bodies around the world that produce those same regulatory standards in each country. She stated the JIS organization in Japan, which is the largest steel producing country in the Asian basin where a lot of suppliers create the jewelry they sell in the United States. Ms. Nornberg commented that the JIS standards are very similar to the ASTM F standards as well as the AISI, which is the American Iron and Steel Institute. She said she had a chart she could show the Health District so it could see the numbers and understand the material makeup of 316L surgical implant grade steel is similar among all the bodies. Ms. Nornberg commented that while only the ASTM and ISO standards are included in the proposed regulations, then many suppliers around the country who have equivalent

360L steel are precluded that meet those standards and can provide certificates that their steel is 360L and not some lesser grade. She suggested the legislation be modified to include the other governing bodies because a significant amount of jewelry on the market is 360L standards that are almost the same from regulatory body to regulatory body. Mark Bergtholdt responded that she could send this information and any recommended changes that she would propose to bodyart@snhd.org. He thanked her for her comment.

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

Webex Events attendee Albert Conant commented on the apprentice card. He commented their apprentice program includes teaching anyone in the program the entire process of tattoo and body piercing, which takes a very long time. Mr. Conant commented that they would like to see the apprentice card length of time to be as the length of the mentor card. For instance, if it is a one-year card or a two-year card that's fine, but they don't believe the six-month period of time for apprentices is adequate.

Webex Events attendee Emily Rocha had a question regarding permanent makeup and apprentice cards, as she did not see anything in the regulations that required them to complete more than just brows. She commented she has seen a lot of people getting signed off for brows, and then they are doing lips and small tattoos and messing it up because all they learned was microblading. Ms. Rocha commented it is a manual tool, not a machine, and can be learned over time, but when it comes to an apprenticeship it should be required. Mark Bergtholdt thanked her for her comment.

Webex Events attendee Albert Conant commented that he would like to see a separate card for permanent makeup versus tattooing and body piercings. He said there is a different set of rules, standards, and processes for tattoo artists versus cosmetic tattooing or permanent makeup.

Karla Shoup requested attendees send in emails with specifics on the differences they would like to see between those apprenticeship programs, as it would be helpful.

Webex Events attendee Emily Rocha commented that she agreed with Albert regarding separation of cards but did not agree with his comment regarding permanent makeup artists not being artists. She commented different tools are used for permanent makeup versus tattoo artists. She agreed they should be separated. Ms. Rocha commented there should be some type of label on the card and that regulations would have to be figured out for permanent makeup artists to do tattoo. She commented there are a lot of tattoo artists that can do permanent makeup.

Danielle Greisen commented that she agreed with previous commenters regarding separating body art cards between tattoo artists and permanent makeup.

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

No comments provided by audience or Webex Events 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.

No comments provided by audience or Webex Events attendees on Section 10.

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

Webex Events attendee Albert Conant commented that in the future a tattoo mentor be included on the board when working through these regulations instead of just this process. He commented this would help identify some of the problems that might be encountered and could speed up the adjustments to regulations.

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 Events attendees on Section 12.

13. Necessary Legal Language:

No comments provided by audience or Webex Events attendees on Section 13.

Mark Bergtholdt then opened the meeting to comments on any of the regulations.

Marko Greisen of Microbladers commented on Section 8, stating that he was going back to the apprenticeships and how many people can have. He stated their business was all about apprenticeships, with a curriculum and process, including almost 400 hours of classroom time through the six-month period. Mr. Greisen commented it doesn't make sense to have one and half students every single month. He stated they have a three thousand square foot facility built around education. Mr. Greisen commented that they are concerned about being limited to ten a month due to the market growing and having seven to ten people that want to enroll every month. He stated they don't take more than ten. Mr. Greisen said people come from all over the country to attend their program. He commented that he wanted it on record that their business is primarily around the mentorship and apprenticeship. He said the restricting them to one and a half people would shut down their business. Mark Bergtholdt asked if he was present for the first part of the meeting where they talked about raising the limit to fifteen per instructor. Mr. Greisen confirmed he did hear that and questioned if that would basically mean two and a half students could enroll in the program over the course of the six months. Mr. Bergtholdt said if there was one instructor.

Marko Greisen wanted to know how they would handle payroll if they had to add employees but didn't need them all the time due to changes in the market. He stated students rotate in and out of the classrooms and are never more than three to five apprentices at a time in the building in a day, as everyone is constantly rotating. He commented that they never have twenty to thirty people trying to learn under one person at a time. Mr. Greisen stated that three to five people can learn from one person at a time. He offered to show their curriculum privately to the health district to show what they do, as the program is very comprehensive and thorough. He commented that not everyone is operating the same way. Mr. Greisen said he has friends who are tattoo artists that teach their apprentices one-on-one and said it should be that way. He stated their program is a bit different and he wanted to make sure this was added to the comments.

Marko Greisen commented on a message to his wife left by Dante Merriweather regarding limiting microblading to the face. He stated that his wife is known for is her work on areolas, which is not part of the face. Mr. Greisen commented that she does that for a lot of people, a lot of time at no charge and it is something she is passionate about.

Ainjil Chipp commented that she had to step out of the meeting to renew her health card and missed a large part of it. She said she did catch the beginning of the meeting where some changes were announced as far as age requirements and such. Ms. Chipp commented that she wanted to go back

to the apprenticeships and asked if she had missed any comments regarding increasing the length of apprenticeships for tattooing. Mark Bergtholdt stated there was a comment and requested her comment on the matter. Ms. Chipp commented she still thinks it needs to be raised. She stated that based on Marko Greisen's comments, there is a big distinction between piercing apprenticeships, tattoo apprenticeships, and permanent makeup. Ms. Chipp questioned if it would be difficult to make it specific to each craft. She commented that tattoo apprenticeships should be limited to one or two at a time and a minimum one-year apprenticeship, but she would prefer two years. She stated she could not comment on piercing but felt whatever piercers feel is appropriate is fine.

Danielle Greisen commented that maybe the number of apprentices per journey artists need not be specified. She also commented on categorizing the differences between tattooing, permanent makeup, and microblading. Ms. Greisen stated the message she received from Dante Merriweather was that microblading would be specified as separate. She commented she would like to see microblading included with cosmetic tattooing as permanent makeup. Ms. Greisen stated microblading is a technique used with cosmetic tattooing, so it should be included with that category. She commented that microblading is done to either the hairline or eyebrows, while cosmetic tattooing is for lips, restoration of the areola, and other parts of the body.

Webex Events attendee Giselle Reyes commented she considers herself a permanent makeup/cosmetic tattoo artist, offering eyebrows, lips, and areolas. She asked if the plan was to separate permanent makeup from regular tattooing, how would areola work be classified since it is not on the face? Mark Bergtholdt thanked her for her comment. He stated the proposal was for microblading only to be isolated to the face; anything that was going to be a tattoo and was permanent in nature would need to fall under the tattoo requirements. Ms. Reyes thanked him. Mr. Bergtholdt then stated that if there was any language she would like to propose, she could send it to bodyart@snhd.org to be taken into consideration.

- 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.

Marko Greisen commented that he would like to say thank you for working towards making it a safer industry. He stated that based on the comments made, maybe the health district could work with more of the businesses and artists and leverage them as business owners and operators to get more involved with proposed regulations to create a better, safer, more regulated industry.

Karla Shoup thanked everyone in attendance for their participation. She stated their feedback is very important as they are "on the front line" and their involvement was appreciated. Ms. Shoup said there would be one more workshop in the next week.

Erin O'Malley read a comment from Webex Attendee Albert Conant who suggested possibly having a tattoo school permit.

VI. **SUMMARY and FINAL SNHD COMMENTS**

This is the **second** of three scheduled public workshops. An additional workshop will be held on January 13, 1:00 p.m. The health district will take any comments about the proposed regulations and any data on the impact to businesses until January 31, 2022.

Mark Bergtholdt requested that if anyone felt these regulations would adversely affect or benefit a business, a business impact survey should be completed. He stated this is an opportunity to provide input to the health district on what impact these proposed changes will have on businesses. He said

the surveys were included in the e-mail sent out on Monday December 6 and were included when this agenda was sent. Mr. Bergtholdt stated attendees could also take a blank form as they left and return it by following the instructions at the bottom of the survey. Mr. Bergtholdt stated they will be making changes and hoped to have them published by the next workshop on January 13, 2022. He stated anyone who participated in the workshop would be notified once the changes were posted on the body art revision page.

Webex Events attendee Emily Rocha commented that her studio offers continuing education for established tattoo artists, in person and online. She asked if they would be required to have the journey or mentor card to continue providing this training to established artists. Mark Bergtholdt stated if the person already had a body art card, then no.

Mark Bergtholdt thanked everyone for their participation.

VII. ADJOURNMENT

Mark Bergtholdt adjourned the meeting at 9:56 a.m.

TISHA R. BLACK
JAMES L. WADHAMS

C. JOSEPH GUILD III
J. RUSTY GRAF



BRIGID M. HIGGINS
ROBERT K. SPARKS
JESSE A. WADHAMS
CHRISTOPHER V. YERGENSEN

SEAN HIGGINS
(1966-2020)

January 5, 2021

Sent via email: bodyart@snhd.org

And Sent via mail

Southern Nevada Health District
P.O. Box 3902
Las Vegas, NV 89127

Re: Proposed Body Art Regulations

Dear Mr. Scott Black,

Black & Wadhams has been retained by Koolsville Tattoos, LLC (“Koolsville”) that owns and operates multiple tattoo and piercing shops here in Clark County, Nevada. After reviewing the proposed regulation changes and specifically the proposed metal requirement changes by the Southern Nevada Health District under Section 7, the changes in the regulations will significantly and financially affect all of the Body Art businesses that are located within the county.

The costs that are associated with acquiring F-138 as the standard jewelry are significantly more expensive to produce which results in a more expensive finished product. The new jewelry will cost several times that of the existing body art jewelry. Body Art businesses that receive any of their revenue through piercings will have a significant fiscal impact which could result in businesses and body art professionals having to close their doors or lose their employment.

The American Society for Testing and Materials (“ASTM”) has set a standard for jewelry to be safe to use in your body for prolonged periods of time. Not only is the “F-138” steel more expensive to manufacture than “316L”, which will result in less or negative revenue for those body art businesses, there is a fundamental lack of scientific evidence establishing that 316L steel has been harmful to patrons over the last three decades or that it fails to be safe in a human body for prolonged periods of time.

This public comment shall further stand as our request to the Southern Nevada Health District to provide the scientific support for the proposed change to the minimum steel requirements as it relates to long term care and safety of the patrons who are receiving piercings.

January 5, 2022

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Simply, what is the metallurgical difference between “F-138” and “316L.” It is the point of this public comment to state that there is no scientific difference between “F-138” and “316L.”

Respectfully,

BLACK & WADHAMS

/s/ Rusty Graf

Rusty Graf, Esq.

JRG/jp