



BUSINESS IMPACT STATEMENT PROPOSED BODY ART REGULATIONS Board of Health Presentation on February 24, 2022

The Southern Nevada Health District (Health District) staff will present before the District Board of Health (BOH) a petition to adopt a proposed replacement of both the Southern Nevada Health District Regulations Governing the Sanitation and Safety of Tattoo Establishments and the Southern Nevada Health District Regulations Governing the Sanitation of Body Piercing Establishments. The two regulations will be combined into one regulation, the Southern Nevada Health District Regulations Governing the Sanitation and Safety of Body Art Facilities. This Business Impact Statement serves as an analysis of the fiscal impact the proposed changes will have on businesses.

Pursuant to Nevada Revised Statutes (NRS) 237, the following information has been prepared and is available at 280 South Decatur Boulevard, Las Vegas, Nevada or a copy may be obtained online at: www.southernnevadahealthdistrict.org.

ISSUES AND FACTORS TO BE CONSIDERED

Under the authority of NRS 439, the Health District is authorized to adopt regulations to regulate sanitation and sanitary practices in the interest of public health within its jurisdiction. From time to time, the Health District reviews the regulations to determine if any revisions are needed. In the past the Health District promulgated two regulations that govern the safety and sanitation of body art facilities, the Southern Nevada Health District Regulations Governing the Sanitation and Safety of Tattoo Establishments and the Southern Nevada Health District Regulations Governing the Sanitation of Body Piercing Establishments. The last time the piercing regulations were revised were in the late 1990s, the last time the tattoo regulations were revised was in 2009. Since that time, there have been improvements in the application of the regulation along with changes within the regulated industry that necessitated a revision of the regulations.

METHODOLOGY FOR THE PROPOSED REVISIONS TO THE CURRENT REGULATIONS

Health District staff reviewed the current regulations, compared them with the State of Nevada Regulations, along with the Body Art Model Code developed by the National Environmental Health Association and other nearby public health jurisdictions. Health District staff also held a listening session where members of the regulated industry were invited to provide input on what they want to see changed in the existing regulations.

Health District staff then drafted the revisions to the regulations and after legal review, published them and held three workshops to solicit comments and gather data about the impact the regulations will have on the community.

MANNER IN WHICH COMMENT WAS SOLICITED:

1. The Health District held three public workshops to solicit input from affected businesses regarding the proposed changes to the regulations. Workshops were held on December 21, 2021, January 6, 2022, and January 13, 2022.

The public notice for the workshops and other methods to review the proposed changes, were duly posted on the SNHD (SNHD.info) and State of Nevada Public Notice (notice.nv.gov) websites, in the SNHD main office located at 280 S. Decatur Blvd., Las Vegas, Nevada. Notices were also provided to the main government centers and city halls of local municipalities (Clark County, Las Vegas, North Las Vegas, Henderson, Boulder City, Mesquite, and Laughlin).

This public notice provided the date and time of the Public Workshops and Public Hearings and instructions on how to provide comments for those who could not attend Public Workshops.

2. The public notice was printed in the Boulder City Review, El Mundo, Las Vegas Review Journal, El Tiempo, Mohave Valley Daily News and Laughlin Nevada Times, newspapers.
3. The public notice was mailed or emailed to the following associations: Las Vegas Metro Chamber of Commerce, Clark County Nevada Chamber of Commerce, Women's Chamber of Commerce, Henderson Chamber of Commerce, Boulder City Chamber of Commerce, Mesquite Chamber of Commerce, Latin Chamber of Commerce, Las Vegas Asian Chamber of Commerce, Retail Association of Nevada, Nevada Hotel and Lodging Association, Nevada Food Safety Task Force, Dairy Council of Nevada, Laughlin Chamber of Commerce, Nevada Mobile Vendors Association
4. The public notice was emailed to the State of Nevada, Washoe County Health District and Carson City Health District, and the tribes in Clark County.
5. The public notice and the agendas for the workshops were sent to each of the e-mail addresses in the Health District's databases for body art facilities and body art card holders. Included in each of the e-mails was a copy of the business impact survey with instructions on how to complete it.

DATES AND LOCATIONS OF PUBLIC WORKSHOPS:

1. December 21, 2021, 1:00 p.m. SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, in the Red Rock Conference Room and online,
2. January 6, 2022, 9:00 a.m. SNHD Public Health Center, 280 South Decatur Boulevard, Las Vegas, in the Red Rock Conference Room and online.
3. January 13, 2022 SNHD Public Health Center only online.

SUMMARY OF COMMENTS, DATA, OR VIEWS RECEIVED:

During the comment period ending on January 31, 2022, the Health District received 25 responses. Below is a table that summarizes the responses to the questions asked:

Question	Number Y	Number N	Number with estimated cost	Range of cost	Number with explanation
Will the proposed Body Art Regulations impose a direct and significant economic burden upon your business? If yes, please provide an estimate.	7	18	2	Thousands to \$125,000	7
Will the proposed Body Art Regulations directly restrict the formation, operation, or expansion of your business?	9	16	N/A	N/A	9
Will the proposed Body Art Regulations have an estimated beneficial economic effect on your business? If yes, please provide an estimate.	7	18	6	\$0 to \$20,000	11
Do you anticipate any indirect economic effects to your business as a result of the proposed Body Art Regulations? If yes, please provide an estimate.	7	18	0	N/A	8

ESTIMATED ECONOMIC EFFECT ON BUSINESSES:

1. Adverse Effects:

- Respondents indicated that increased costs could result from:
 - the standards for jewelry,
 - the requirement to have a separate area for cleaning equipment,
 - the requirement of having to include a Class V or better sterilization indicator,

- the requirement for increased frequency of testing of the sterilizer
- the requirement to have, in addition to the required sharps containers, other biohazardous waste handling equipment and procedures to properly dispose of blood and other potentially infectious material.
- the requirement to collect and store the documentation related to procedures, artists, and patrons.
- Respondents in the microblading industry expressed concerns that income would be reduced by limiting the number of apprentices that each mentor artist could train.

2. Beneficial Effects:

- Respondents indicated that reducing the size of each workstation could increase revenues as more artists could occupy a given space
- Respondents indicated that revenues could increase as a result of the addition of the apprentice program.
- Respondents indicated that the cost to start or expand a business may be reduced due to a reduction in the required number of hand sinks to be installed and the allowance for smaller-sized workstations
- Reducing the frequency of routine inspections to once per year will make more efficient use of Health District staff.

3. Direct Effects:

- Construction costs of equipment processing rooms in new establishments that do not use pre-sterilized equipment may increase start-up costs.
- Smaller workstation requirements and shared hand sinks may reduce construction costs for new businesses.
- A more generalized standard for jewelry will allow industry to find best pricing when purchasing these supplies
- The cost for increased frequency of autoclave testing and Class V test strips for those business that are required to have an autoclave are estimated to be less than \$300 annually.
- The passing of the regulations may have additional direct effects, however at this time, those effects cannot be quantified.

4. Indirect Effects:

- Allowing a more expansive requirement for jewelry standards will support all commercial suppliers of jewelry and encourage competition in that industry.
- The requirement for equipment processing areas may translate to increased usage of pre-sterilized equipment.
The passing of the regulations may have additional indirect effects, however at this time, those effects cannot be quantified.

DESCRIPTION OF THE METHODS CONSIDERED TO REDUCE THE IMPACT ON BUSINESSES AND A STATEMENT REGARDING WHETHER THE HEALTH DISTRICT USED ANY OF THE METHODS:

To mitigate economic impact on industry, the Health District implemented the following methods:

At each workshop Health District staff notified the participants that existing businesses would not need to meet the new structural requirements of the proposed regulations.

After the workshops, the Health District made two modifications to the regulations:

(1) that jewelry used for initial piercings be purchased from a commercial supplier. The requirement for the materials standard and safety now falls upon the jewelry supplier. Any custom-made jewelry will need to be made from material that meets the specific standards identified within the regulations.

(2) the number of apprentices for microblade artists was increased to a maximum of fifteen at any one time. This was done to accommodate microblading schools.

The comment that additional biohazardous waste handling would adversely impact the business is not substantiated. These requirements are the same as the current OSHA requirements to prevent the spread of bloodborne pathogens in a workplace and only apply when there is a spill of biohazardous material. The addition of the requirements to the regulations would not increase the cost to a business as they should already be in compliance with this provision.

No additional costs would be associated with collection and storage of documentation related to procedures, artists, and patrons, as current regulations already require this.

ESTIMATED COST TO LOCAL GOVERNMENT FOR THE ENFORCEMENT OF THE PROPOSED REGULATIONS:

The proposed regulations will not impact the costs to the Health District for the enforcement of these regulations.

ESTIMATED REVENUES EXPECTED TO BE GENERATED BY THE PROPOSED CHANGES AND THE WAY THE FUNDS ARE TO BE USED:

No changes in Health District revenue are proposed by promulgating these regulations.

DO THE PROPOSED REGULATION CHANGES INCLUDE PROVISIONS THAT ARE DUPLICATIVE OR MORE STRINGENT THAN EXISTING LOCAL, STATE, OR FEDERAL STANDARDS?

Yes No

WILL THIS CHANGE HAVE A SIGNIFICANT ECONOMIC IMPACT ON BUSINESSES?

Yes No

REASONS FOR THE CONCLUSIONS REACHED REGARDING THE IMPACT ON BUSINESSES:

Based on input from the affected businesses and modifications to the proposed regulations to mitigate economic impact, the Health District has concluded that the proposed revisions to the regulations are not likely to impose a direct and significant economic burden upon a large number of businesses or directly restrict the formation, operation, or expansion of a large number of businesses.

The proposed regulations are duplicative and more stringent than Chapter 444 of the Nevada Administrative Code (NAC). The Health District is the local Health Authority as defined in NRS 439. As the local Health Authority, the Health District has the power to adopt regulations to prevent and suppress communicable diseases. These regulations, while duplicative and more stringent than NAC 444, give the Health District the ability to protect its residents and visitors better than the authority provided in NAC 444.

Pursuant to NRS 237.090, the BOH will hold a PUBLIC HEARING considering this Business Impact Statement at its regular meeting on Thursday, February 24, 2022 at 9:00 a.m. in the Red Rock Conference Room, 280 South Decatur Blvd., Las Vegas, Nevada. The BOH will review and consider approval of the proposed Body Art Regulations at a PUBLIC HEARING on Thursday, March 24, 2022, at the same time and location above.

I, Christopher Saxton, certify that, to the best of my knowledge or belief, the information contained in the statement was prepared properly and is accurate:

 -S-
 Christopher Saxton, MPH-EH, REHS
 Director of Environmental Health

February 9, 2022
 Date