



MINUTES

SOUTHERN NEVADA HEALTH DISTRICT WORKSHOP FOR PROPOSED BODY ART REGULATIONS

February 4, 2022 – 11:00 a.m.

Meeting was conducted virtually via Webex Events

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

ALSO PRESENT: Justine Marciano, Igor Montano, Lani Gillespie, Lani Soleil, Emily Rocha,
(via Webex Events) Kathy David-Rees, Emily Eichorn, Edward Wynder, Tyson Taumaoe, Vanessa
Nornberg-Barey, Josh Peattie, Dale Parris, Kalawelo Kaiwi

I. INTRODUCTORY REMARKS and INTRODUCTION OF SNHD STAFF

Mark Bergtholdt introduced the SNHD staff members attending the meeting.
He called the meeting to order at 11:04 a.m.

Mark Bergtholdt stated the Health District would be taking public comments on any agenda item in the meeting. He requested that specific comments on the regulations be held until agenda item three. Mr. Bergtholdt said a presentation on the proposed draft regulations would occur after the first public comment. He stated the Health District would then receive comments on the proposed changes and that it was an opportunity for attendees to provide input. Mr. Bergtholdt said there would be a second period for public comments, and then some final words before closing the meeting.

Mark Bergtholdt said the proposed regulations with changes could be found on the Health District website at www.snhd.info/bodyartregs in the document titled “Redline Version of Proposed Body Art Regulations Posted December 6, 2021.”

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.

Mark Bergtholdt opened the First Public Comment portion of the meeting and requested attendees raise their hand (via Webex) if they would like to participate. Seeing no one, he closed the First Public Comment portion of the workshop.

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

Mark Bergtholdt stated that after receiving comments regarding the draft regulations, the Health District is proposing the following changes to the final version of the regulations that will be presented to the Board of Health in March:

The first change is in Section 3.13.2.8. This sets the conditions needing to be met where a sterilizer can be located in a workstation.

The second change is in Section 4.4.4. This provides for a facility to sterilize equipment in one facility and then transport it to another.

The third change is in Section 5.1.3. It requires facilities to meet only the requirements of the regulations and not all federal, state, and local requirements.

The fourth change is in Section 6.1.5 and sets a minimum age for a body art patron for applying body art not exempted by the regulations.

The fifth change is in Section 6.5.1.3. "Kept in digital or print form" has been removed.

The sixth change is in Section 7.4.7. The standards of jewelry have been changed so that any jewelry is obtained from commercial suppliers. Any custom-made jewelry must meet the specific ASTM standard for the material. The Health District is also proposing a change where any initial piercing jewelry must not have any exposed threads when assembled.

The seventh change is in Section 7.4.8. The Health District is proposing to "roll up" the Material Certificate into the jewelry receipt. All jewelry will need to be able to be traced back to the manufacturer. The information on the receipt should identify where and when the jewelry was manufactured.

The last change is in Section 8. The Health District is proposing to add a definition to microblading that microblading is a specific technique limited to the face. The Health District is also proposing to change "journey" artist to "mentor," and limiting the number of apprentices to five per mentor for body art and fifteen per mentor for microblading.

Mark Bergtholdt requested that anyone who would like to comment on these changes raise their hand (via Webex) or type in the Chat box to be recognized. He said he would list each of the changes and take comments on them.

1. Section 3.13.2.8 - This sets the conditions needing to be met where a sterilizer can be kept at a workstation.

Seeing no comments on Section 3.13.2.8, Mark Bergtholdt moved to Section 4.4.4.

2. Section 4.4.4 - Provides for a facility to sterilize equipment in one facility then transport it to another.

Seeing no comments on Section 4.4.4, Mark Bergtholdt moved to Section 5.1.3.

3. **Section 5.1.3 - Requires facilities to meet only the requirements of the regulations and not all federal, state, and local requirements.**

Lani Gillespie commented that if industry is not following any FDA or state standards, what is the point of the health department. Mark Bergtholdt stated that what the Health District is saying that industry is not required to meet any additional regulations above and beyond what the regulations state. Ms. Gillespie asked, "The regulations set forth by the health department?" Mr. Bergtholdt stated yes.

4. **Section 6.1.5 – This sets a minimum age for a body art patron for applying body art not exempted by the regulations.**

Seeing no comments on Section 6.1.5, Mark Bergtholdt moved to Section 6.5.1.3.

5. **Section 6.5.1.3 – Patron consent forms must be kept on premises. Redundant language removed.**

Seeing no comments on Section 6.5.1.3, Mark Bergtholdt moved to Section 7.4.7.

6. **Section 7.4.7 - The standards of jewelry have been changed so that jewelry is obtained from commercial suppliers. Any custom-made jewelry must meet the specific ASTM standard for the material. The Health District is also proposing a change where any initial piercing jewelry must not have any exposed threads when assembled.**

Lani Gillespie commented that not all commercial jewelry suppliers meet ASTM or ISO standards. Mark Bergtholdt stated that is correct. He said it is the responsibility of the jewelry supplier to have materials manufactured in a safe manner that does not allow material to leach or fall out of the metals. Ms. Gillespie commented that not all jewelry suppliers, especially ones overseas, have standards like ASTM or ISO. Mr. Bergtholdt said he understood, but the liability will fall on the supplier.

Lani Gillespie commented that the Health District is eliminating Section 7.4.9 - material certificates - which is the only way for manufacturers to prove their materials are meeting standards. Mark Bergtholdt stated the liability falls on the supplier to sell a safe product. Ms. Gillespie commented that not all of them do, so how does the shop show that they are. Mr. Bergtholdt stated that is a liability and becomes a civil matter. Karla Shoup stated the Health District is not requiring them, and if they are a commercial jewelry supplier, they can meet whatever safety standards are relevant for their location. Lani Gillespie commented the relevant standards are ASTM or ISO. Mark Bergtholdt stated there are many other standards that are equivalent, and that the Health District decided to say the liability goes back to the manufacturer and not the Health District. Ms. Shoup stated the Health District is trying to get industry to obtain jewelry from commercial manufacturers rather than people making jewelry in their garage. Ms. Gillespie commented that her point is that not every jewelry supplier conforms to these standards, which are important. She commented that Section 7.4.7 states any custom manufactured jewelry needs to meet ASTM or ISO standards, so why wouldn't a commercial jewelry supplier have to do the same? Mr. Bergtholdt stated the commercial jewelry supplier regulation is enforced by the liability laws of the state. He said the Health District does not need get into an area where there is a requirement for ASTM that is above and beyond the liability of the supplier. Mark Bergtholdt said the jewelry must come from a commercial supplier and it is the commercial supplier's responsibility to provide safe material. Lani Gillespie asked if the correct way to confirm suppliers are providing safe materials is by following ASTM or ISO standards. Mr. Bergtholdt stated that was a business decision that

could be chosen, or the business could choose to obtain jewelry from other suppliers that do not meet those standards but may sell materials that meet other standards. Ms. Gillespie asked if Mr. Bergtholdt knew what the other standards were, as jewelry mass-produced in other countries do not have these standards. He said he understood, but that the Health District has chosen to go with liability falling on the business supplying the jewelry. Mark Bergtholdt stated it is the responsibility of the person selling the material to make sure it is safe, and that a business owner can choose to obtain material from one supplier or another. Lani Gillespie commented to confirm that he was saying that business owners have the option of purchasing from a mass commercial jewelry supplier that is providing safe body jewelry or not. Mr. Bergtholdt said the jewelry must be obtained from a commercial manufacturer. Ms. Gillespie commented that he did not seem to understand that not all commercial jewelry suppliers produce a product made of safe materials. Mr. Bergtholdt said all commercial suppliers are subject to the liability provisions of the law and the Health District is not taking a position on what standards are appropriate for body jewelry, just that it must come from a commercial supplier. He stated the Health District did not want to see jewelry made in a garage (for lack of a better word).

Lani Gillespie asked if the Health District was taking “evidence” in any manner besides this meeting. Mark Bergtholdt stated she could speak at the Board of Health meetings if she wished, or if she would like to propose something different then she could propose it. He said this is the stance the Health District is currently taking.

Emily Eichorn commented that she thought the Health District was trying to offer a layer of protection to industry so that no one could go after artists because they did not manufacture the jewelry. She asked if this was correct. Mark Bergtholdt stated this is correct, and that it is a legal matter.

Lani Gillespie commented to ask why ASTM standards are being added if the suppliers they are purchasing jewelry from will not be held to that standard. Mark Bergtholdt stated the ASTM standard is for custom jewelry, so if someone makes jewelry in their shop, they need to use material that meets ASTM standards. Ms. Gillespie asked how the Health District would be able to tell that such places are using materials that meet ASTM or ISO standards. Mr. Bergtholdt stated that is why the receipt is needed. She said the mill certificates are the only way to know, and he said that is why the receipts must have the information to trace back the material. Lani Gillespie asked if this would mean mill certificates, and Mark Bergtholdt stated that would be one way to do it.

7. Section 7.4.8. The Health District is proposing to “roll up” the Material Certificate into the jewelry receipt. All jewelry will need to be able to be traced back to the manufacturer. The information on the receipt should identify where and when the jewelry was manufactured.

Vanessa Nornberg-Barey commented via Webex chat requiring a lot number on jewelry is problematic and actually unnecessary because what matters in terms of safety is not the manufacturing process, but the materials used in the manufacture of the jewelry. This information is provided on the metal certificates that should be required from any reputable manufacturer. Lot numbers are problematic, because in order to guarantee the integrity and safety of the piece of jewelry, the metal must bear no marks, nicks, or crevices. In addition, even if the manufacturer were to mark it on the bag in which the jewelry is sold, that bag or packaging would be removed and discarded at the time the piece is sterilized, making it difficult for the piece to be tracked. Finally, most jewelry used in initial piercings looks the same and is difficult to distinguish between manufacturers. Mark Bergtholdt stated that the Health

District understood that the lot number only needs to be recorded if one is provided by the supplier. He stated industry needs to keep copies of the receipts for jewelry that is purchased. Ms. Nornberg-Barey commented that receipts are easy to provide and keep, but the wording calls for lot numbers and questioned if the wording would be amended. Mr. Bergtholdt said the Health District can take that under consideration.

8. Section 8. The Health District is proposing to add a definition to microblading that microblading is a specific technique limited to the face. The Health District is also proposing to change “journey” artist to “mentor,” and limiting the number of apprentices to five per mentor for body art and fifteen per mentor for microblading.

Emily Eichorn commented that this section confused her in past meetings. She stated she has a body art card and can do microblading and machine work. Ms. Eichorn asked if there would be two separate cards in the future – one for microblading just on the face and one for permanent makeup or body art. Mark Bergtholdt stated that the definition of body art includes microblading so only the one card would be needed for both microblading and body art. Emily Eichorn stated she would be renewing her body art card next week and wanted to verify it would be a body art card. Mr. Bergtholdt stated this is correct, and it would always be a body art card.

Emily Eichorn commented again to ask if this would cover camouflage. Mark Bergtholdt stated it would include camouflage, and that if done through permanent makeup techniques would need to be done under a body art card and camouflage done through microblading techniques would be limited to the face.

Mark Bergtholdt asked if there were any further comments on any of the regulations. Hearing none, he moved to the second public comment portion of the agenda.

IV. SECOND PUBLIC COMMENTS: A period devoted to comments by the general public, if any, on any subject, and discussion of those comments.

Mark Bergtholdt stated the second public comment portion of the meeting would last no less than two minutes and could go as long as wanted by attendees. He said comments could be on any subject and requested anyone wishing to comment raise their hand (via Webex) before speaking.

Seeing no comments, Mark Bergtholdt closed the Second Public Comments portion of the workshop.

V. ADJOURNMENT

Mark Bergtholdt stated this is the last of the public workshops. Using the input provided at the previous three workshops and the fifty-four surveys submitted, the business impact statement has been drafted and is in final review. The business impact statement will be published on February 9th and heard before the Board of Health at the February 24th meeting at 9:00 a.m. A link to that meeting can be found on the agenda posted on the Health District website. The agenda will be posted on the body art regulation page at www.snhd.info/bodyartregs. Once the business impact statement has been heard, the regulations will be heard at the March 24th meeting at 9:00 a.m. The link for that meeting will also be included on that page.

Mark Bergtholdt thanked everyone for their participation and adjourned the meeting at 11:33 a.m.