

Title 51
PUBLIC HEALTH—SANITARY CODE
Part XXVIII. Commercial Body Art

Chapter 1. Commercial Body Art
Regulation

§101. Definitions
[formerly paragraph 28:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows.

Antiseptic—an agent that destroys disease causing microorganisms on human skin or mucosa.

Aftercare—written instructions given to the consumer, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information when to seek medical treatment, if necessary.

Body Art—the practice of physical body adornment by registered establishments and operators utilizing, but not limited to, the following techniques: tattooing, cosmetic tattooing, body piercing, branding and scarification. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, and shall not be performed in a commercial body art facility. This definition does not include the piercing of the lobe of the ear using pre-sterilized single use stud and clasp ear piercing system.

Body Piercing—puncturing or penetration of the skin of a person using pre-sterilized single use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening, except puncturing the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

Branding—inducing a pattern of scar tissue development by means of a heated instrument.

Client—a consumer requesting the application of a tattoo, body piercing services or permanent cosmetic application services

Commercial Body Art Facility as defined herein and in R.S. 40:2831(1)—any location, place, area, or business, whether permanent or temporary, which provides consumers access to personal services workers who for remuneration perform any of the following procedures:

a. tattooing or the insertion of pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible under the skin;

b. body piercing or the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration; but does not for the purposes of this Part, include piercing an ear with a disposable, single use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear;

c. the application of permanent cosmetics or pigments under the skin of a human being for the purpose of permanently changing the color or other appearance of the skin, including but not limited to permanent eyeliner, eye shadow, or lip color.

Consumer—any individual who is provided access to a commercial body art facility which is required to be registered pursuant to the provisions of this Part.

Contaminated Waste—any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as "Occupational Exposure to Bloodborne Pathogens."

Disinfection—the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Department—the Department of Health and Hospitals.

Ear Piercing—the puncturing of the lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers instructions.

Equipment—all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a commercial body art facility.

Hand Sink—a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

Invasive—entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

Jewelry—any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or yellow gold,

niobium, titanium or platinum, a dense, low-porosity plastic and which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

Manager—any individual designated by the owner to manage the daily business of a commercial body art facility.

Operator—any individual designated by the registrant to apply or to assist in the performance of body art procedures upon the consumer for remuneration. The term includes technicians who work under the operator and perform body art activities.

Owner—any person who operates a commercial body art facility.

Person—any natural person, partnership, corporation, association, governmental subdivision, receiver, tutor, curator, executor, administrator, fiduciary, or representative of another person, or public or private organization of any character.

Protective Gloves—gloves made of vinyl or latex.

Registrant—any person who is registered with the department as required by R.S. 40:2832.

Sanitize—to adequately treat equipment by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms without adversely affecting the equipment or its safety for the consumer.

Sharps—any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized, single use needles, scalpel blades and razor blades.

Sharps Container—a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the international "biohazard" symbol.

Single Use—products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

Sterilization—a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

Tattooing—any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

Temporary Commercial Body Art Facility—any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

Temporary Demonstration Registration—the registration issued by the department to a *temporary commercial body art facility*, as defined herein, as required by Chapter 3 of this Part and R.S. 40:2832 for a period of time not to exceed 14 consecutive calendar days.

Temporary Operator Registration—the registration issued by the department to an *operator*, as defined herein, to perform body art procedures at a temporary commercial body art facility approved and registered by the department.

Universal Precautions—a set of guidelines and controls, published by the Center for Disease Control (CDC) as "guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures," in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

AUTHORITY NOTE: The first source of authority for promulgation of the sanitary code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with the specific provisions of R.S. 40:4, R.S. 40:5 and R.S. 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1455 (June 2002).

§103. Facility Standards [formerly paragraph 28:002]

A. All commercial body art facilities shall meet the following criteria.

1. [Formerly paragraph 28:002-1] All areas shall be kept clean and in good repair.
2. [Formerly paragraph 28:002-2] All procedure surfaces, including counters, tables, equipment, chairs, or recliners, that are in treatment and sterilization areas shall be made of smooth, nonabsorbent, and nonporous materials.
3. [Formerly paragraph 28:002-3] All wall, floor, and ceiling surfaces within each procedure area shall be smooth, free of open holes or cracks, light colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition.
4. [Formerly paragraph 28:002-4] Surfaces or blood spills shall be cleaned using an EPA registered, hospital-grade disinfectant
5. [Formerly paragraph 28:002-5] Each facility shall provide a hand washing sink to be used solely for hand washing in body art procedure area for the exclusive use of

the operator. A separate restricted area away from public access shall be provided in each facility for the purpose of handling contaminated equipment, instruments and sterilization operations. Also, a separate instrument sink shall be provided for the sole purpose of cleaning instruments and equipment prior to sterilization in addition to the sink that is located in the restrooms. These sinks shall be provided with hot (120 degrees Fahrenheit minimum) and cold running water under pressure dispensed from a mixing valve. There shall also be available at all sinks and lavatories, powdered or liquid soap in a soap dispenser, disposable single use towels or automatic hand drying device, and a refuse container.

6. [Formerly paragraph 28:002-6] Toilet facilities shall be kept clean and in good repair and in working order at all times. If only one restroom is provided, it must contain a water closet and a hand washing sink equipped with a powdered or liquid soap dispenser and disposable single use towels or automatic hand drying device, as must all restrooms.

7. [Formerly paragraph 28:002-7] The facility shall be provided with adequate and sufficient artificial or natural lighting equivalent to at least 20 foot-candles 3 feet off the floor, except that at least 100 foot-candles shall be provided at the level where the body art procedure is being performed, and where instruments and sharps are assembled.

8. [Formerly paragraph 28:002-8] The facility shall be well ventilated with natural or mechanical methods that remove or exhaust fumes, vapors, or dust in order to prevent hazardous conditions from occurring or to allow the free flow of air in a room in proportion to the size of the room and the capacity of the room.

9. [Formerly paragraph 28:002-9] If a room used for any business purposes other than body art procedures is the same room or is adjacent to a room used for body art procedures, then the department may require that one or more of the following requirements be satisfied if there are conditions that the department considers a possible threat to the health of the employees, the customers, or the public.

a. A solid partition shall separate the premises used for other business purposes from the commercial body art area. The partition may contain a door, provided it remains closed except for entering and leaving.

b. A separate outside entrance shall be provided for the facility.

10. [Formerly paragraph 28:002-10] Pets or other animals shall not be permitted in the commercial body art facility. This prohibition shall not apply to trained guide animals for the disabled, sightless, or hearing impaired; or fish in aquariums.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1457 (June 2002).

§105. Required Equipment [formerly paragraph 28:003]

A. Articles and Materials. Commercial body art facility registrants and operators shall provide and maintain the following tattooing and/or piercing equipment and supplies at the place of business:

1. [Formerly paragraph 28:003-1] tattoo machine or hand pieces, of non porous material which can be sanitized;

2. [Formerly paragraph 28:003-2] stainless steel or carbon needles and needle bars;

3. [Formerly paragraph 28:003-3] stainless steel, brass or lexan tubes that can be sanitized;

4. [Formerly paragraph 28:003-4] stencils, plastic acetate or single use disposable carbon paper;

5. [Formerly paragraph 28:003-5] sterilization bags with color strip indicator;

6. [Formerly paragraph 28:003-6] disposable protective gloves;

7. [Formerly paragraph 28:003-7] single use or disposable razors, tongue depressors, lubricants or medicines;

8. [Formerly paragraph 28:003-8] single use towels, tissues or paper products;

9. [Formerly paragraph 28:003-9] sharps container and BIOHAZARD waste bags;

10. [Formerly paragraph 28:003-10] commercially purchased inks, dyes and pigments;

11. [Formerly paragraph 28:003-11] a trash receptacle(s);

12. [Formerly paragraph 28:003-12] commercially available spore tests performed monthly;

13. [Formerly paragraph 28:003-13] single-use hollow piercing stainless steel needles;

14. [Formerly paragraph 28:003-14] approved equipment for cleaning and sterilizing instruments;

15. [Formerly paragraph 28:003-15] all tables or chairs made of nonporous material that can be cleaned and sanitized;

16. [Formerly paragraph 28:003-16] all piercing instruments shall be made of stainless steel;

17. [Formerly paragraph 28:003-17] bleach or hard-surface disinfectants, or both;

18. [Formerly paragraph 28:003-18] antibacterial hand soap; and

19. [Formerly paragraph 28:003-19] minimum of 10 pre-sterilized needle/tube packs or 10 single use needle/tube packs per artist in respect to tattooist.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1457 (June 2002).

§107. Practice Standards; Restrictions
[formerly paragraph 28:004]

A. [Formerly paragraph 28:004-1] Prior to any body art procedure, a consent form shall be completed and signed by each client. Aftercare instructions shall be given to the client both verbally and in writing after every service. The written care instructions shall advise the client to consult the body art operator or a qualified health care professional at the first sign of abnormal inflammation/swelling or possible infection.

B. [Formerly paragraph 28:004-2] Registrants may obtain advice from physicians regarding medical information needed to safeguard consumers and body art operators.

C. [Formerly paragraph 28:004-3(a)] Registrants shall keep an individual written record of each client. That record shall include the name and address of the client; the date of each service; description of service; the color, manufacturer and lot number of each pigment used for each tattoo or permanent cosmetic procedure performed.

1. [Formerly paragraph 28:004-3(b)] The following information should be requested by the registrant or operator and recorded on the client's written record required in §107.C. In order to promote proper healing of the body art procedure performed, we ask that you disclose if you have, or have had, any of the following conditions which may affect the healing process:

- a. diabetes;
- b. history of hemophilia (bleeding);
- c. history of skin diseases, skin lesions or skin sensitivities to soap, disinfectants, etc.;
- d. history of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
- e. history of epilepsy, seizures, fainting or narcolepsy;
- f. pregnancy or breast-feeding/nursing;
- g. immune disorders;
- h. scarring (keloid).

D. [Formerly paragraph 28:004-3(c)] Each commercial body art facility shall display a sign clearly visible to each client which bears the following wording.

1. "There may be risks associated with the procedures of commercial body art, which includes permanent tattoos, body piercing and permanent cosmetic application, that may adversely affect the healing process if you have, or have had, any of the following conditions:

- a. diabetes;
- b. history of hemophilia (bleeding);

c. history of skin diseases, skin lesions or skin sensitivities to soap, disinfectants, etc.;

d. history of allergies or adverse reactions to pigments, dyes or other skin sensitivities;

e. history of epilepsy, seizures, fainting or narcolepsy;

f. pregnancy or breast-feeding/nursing;

g. immune disorders;

h. scarring (keloid)."

2. The sign required in this sub-section shall be printed in upper and lower case letters which are at least 1/2 inch and 1/4 inch in height respectively.

E. [Formerly paragraph 28:004-4] For permanent cosmetic procedures, operators shall take photographs for corrective procedures before and after the procedure and retain such photographs.

F. [Formerly paragraph 28:004-5] Records shall be kept for a minimum of three years.

G. [Formerly paragraph 28:004-6] Inks, dyes, or pigments shall be purchased from a commercial supplier or manufacturer. Products banned or restricted by the Food and Drug Administration shall not be used.

H. [Formerly paragraph 28:004-7] Registrants or operators shall not perform tattooing and body piercing for any of these individuals:

1. on a person who is inebriated or appears to be incapacitated by the use of alcohol or drugs;

2. on persons who show signs of intravenous drug use;

3. on persons with sunburn or other skin diseases or disorders such as open lesions, rashes, wounds, puncture marks in areas of treatment;

4. on persons with psoriasis or eczema present in the treatment area;

5. on persons under 18 years of age without the presence, consent and proper identification of a parent, legal custodian parent or legal guardian as prescribed in R.S. 14:93.2(A) and (B). Nothing in this Section is intended to require an operator to perform any body art procedure on a person under 18 years of age with parental or guardian consent.

I. [Formerly paragraph 28:004-8] Use of a piercing gun to pierce shall be prohibited on all parts of the body, including the outer cartilage perimeter of the ear with the exception of the ear lobe.

J. [Formerly paragraph 28:004-9] Use of personal client jewelry or any apparatus or device presented by the client for use during the initial body piercing shall be sterilized prior to use. Each facility shall provide pre-sterilized jewelry, apparatus, or devices, which shall be of metallic content recognized as compatible with body piercing.

K. [Formerly paragraph 28:004-10] No person afflicted with an infectious or communicable disease that may be transmitted during the performance of body art procedures shall be permitted to work or train in a commercial body art facility.

L. [Formerly paragraph 28:004-11] No commercial body art facility shall require an operator to knowingly work upon a person suffering from any infectious or communicable disease that may be transmitted during the performance of permanent color, tattoo application, or body piercing.

M. [Formerly paragraph 28:004-12] Nothing shall prohibit a commercial body art facility operator from refusing to provide services to anyone under the age of 18.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1458 (June 2002).

§109. Operator Training
[formerly paragraph 28:005]

A. [Formerly paragraph 28:005-1] Each commercial body art facility registrant shall establish and maintain procedures to ensure that all operators that perform commercial body art procedures receive adequate training and hold a current certificate in CPR, first aid, blood borne pathogens and disease transmission prevention.

B. [Formerly paragraph 28:005-2] Commercial Body Art Trainer means any person who provides training in the commercial body art field to students for a fee. The training facility shall be a fully accredited educational institution and the curriculum shall include training specified in §109.A.

C. [Formerly paragraph 28:005-3] Commercial body art facility registrants and owners must only hire operators who have registered with the department and have received training as required in §109.A and B.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1459 (June 2002).

§111. Hand Washing and Protective Gloves
[formerly paragraph 28:006]

A. [Formerly paragraph 28:006-1] Prior to and immediately following administering services to a client, all registrants and operators shall thoroughly wash their hands and nails in hot, running water with soap and rinse them in clear, warm water.

B. [Formerly paragraph 28:006-2] All registrants and operators shall wear protective gloves during services. Protective gloves shall be properly disposed of immediately following service.

C. [Formerly paragraph 28:006-3] Protective gloves will be changed during a procedure if the need of additional supplies are needed.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1459 (June 2002).

§113. Preparation and Aftercare of Treatment Area on Clients
[formerly paragraph 28:007]

A. [Formerly paragraph 28:007-1] Body art operators shall cleanse the client's skin, excluding the areas surrounding the eyes, by washing with an EPA-approved antiseptic solution applied with a clean, single-use paper product, before placing the design on the client's skin or beginning tattooing or permanent cosmetic work.

B. [Formerly paragraph 28:007-2] If the area is to be shaved, the operator shall use a single-use disposable safety razor and then rewash the client's skin.

C. [Formerly paragraph 28:007-3] Substances applied to the client's skin to transfer the design from stencil or paper shall be single use.

D. [Formerly paragraph 28:007-4] Aftercare shall be administered to each client following service, as stated in §§107.A and 131.L of this Part.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1459 (June 2002).

§115. Cleaning Methods Prior to Sterilization
[formerly paragraph 28:008]

A. [Formerly paragraph 28:008-1] Each operator shall clean all non-electrical instruments prior to sterilizing by brushing or swabbing to remove foreign material or debris, rinsing, and then performing either of the following steps:

1. immersing them in detergent and water in an ultrasonic unit that operates at 40 to 60 hertz, followed by a thorough rinsing and wiping; or

2. submerging and soaking them in a protein-dissolving detergent or enzyme cleaner, followed by a thorough rinsing and wiping.

B. [Formerly paragraph 28:008-2] For all electrical instruments, each operator shall perform the following:

1. first remove all foreign matter; and

2. disinfect with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1459 (June 2002).

§117. Instrument Sterilization Standards
[formerly paragraph 28:009]

A. [Formerly paragraph 28:009-1] Commercial body art facility operators shall place cleaned instruments used in the practice of tattooing, permanent cosmetics or piercing in sterile bags, with color strip indicators, and shall sterilize the instruments by exposure to one cycle of an approved sterilizer, in accordance with the approved sterilization modes in §119 of this Part.

B. [Formerly paragraph 28:009-2] The provisions of this Part shall not apply to electrical instruments.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1459 (June 2002).

§119. Approved Sterilization Modes
[formerly paragraph 28:010]

A. [Formerly paragraph 28:010-1] Instruments used in the practice of commercial body art services shall be sterilized, using one of the following methods:

1. in a steam or chemical autoclave sterilizer, registered and listed with the Federal Food and Drug Administration (FDA), and used, cleaned, and maintained according to manufacturer's directions; or

2. with single-use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers.

B. [Formerly paragraph 28:010-2] Facility registrants and operators shall sterilize all piercing instruments that have or may come in direct contact with a client's skin or be exposed to blood or body fluids. Piercing needles shall not be reused. All piercing needles shall be single use.

C. [Formerly paragraph 28:010-3] All sterilizing devices shall be tested on a monthly basis for functionality and thorough sterilization by use of the following means:

1. chemical indicators that change color, to assure sufficient temperature and proper functioning of equipment during the sterilization cycle; and

2. a biological monitoring system using commercially prepared spores, to assure that all microorganisms have been destroyed and sterilization has been achieved. This testing shall be performed on a monthly basis for tattoo and body piercing facilities.

D. [Formerly paragraph 28:010-4] Sterilization device test results shall be made available at the facility at all times for inspection by the state health officer for a minimum of three years.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1460 (June 2002).

§121. Waste Receptacles
[formerly paragraph 28:011]

A. [Formerly paragraph 28:011-1] Following body art procedures for each client, the registrant or operator shall deposit all waste material related to treatment in a container of the type specified in §121.C of this Part.

B. [Formerly paragraph 28:011-2] Waste disposed in a reception area and restrooms shall be limited only to materials that are not used in providing body art services to clients or are practice related.

C. [Formerly paragraph 28:011-3] Waste disposal containers shall be constructed of non-absorbent and readily cleanable materials, shall have smooth surfaces and shall be kept clean and in good repair.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1460 (June 2002).

§123. Linens
[formerly paragraph 28:012]

A. [Formerly paragraph 28:012-1] Each registrant or operator shall use clean reusable linens or disposable linens for each client.

B. [Formerly paragraph 28:012-2] A common towel shall be prohibited.

C. [Formerly paragraph 28:012-3] Air blowers may be substituted for hand towels.

D. [Formerly paragraph 28:012-4] Each registrant or operator shall store clean linens, tissues, or single-use paper products in a clean, enclosed storage area until needed for immediate use.

E. [Formerly paragraph 28:012-5] Each registrant or operator shall dispose of or store used linens in a closed or covered container until laundered.

F. [Formerly paragraph 28:012-6] Each registrant or operator shall launder used linens either by a regular, commercial laundering or by a noncommercial laundering process that includes immersion in water at 160 degrees Fahrenheit for not less than 15 minutes during the washing and rinsing operations.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1460 (June 2002).

§125. Clean Instruments and Products Storage
[formerly paragraph 28:013]

A. [Formerly paragraph 28:013-1] Before use, disposable products that come in contact with the areas to be treated shall be stored in clean containers that can be closed between treatments.

B. [Formerly paragraph 28:013-2] Clean, sterilized reusable instruments that come in contact with the areas to be treated shall be packed in self-sealing sterilization packages and stored in clean, dry covered containers.

C. [Formerly paragraph 28:013-3] Clean, sterilized reusable transfer instruments, including forceps, trays, and tweezers, shall be packed in self-sealing sterilization packages and stored in clean, dry covered containers.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1460 (June 2002).

§127. Chemical Storage
[formerly paragraph 28:014]

A. [Formerly paragraph 28:014-1] Each registrant or operator shall store chemicals in labeled, closed containers in an enclosed storage area. All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such and shall be stored in an area not open to the public.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1460 (June 2002).

§129. Handling Disposable Materials
[formerly paragraph 28:015]

A. [Formerly paragraph 28:015-1] All potentially infectious waste materials shall be handled, stored and disposed of in a manner specified in Part XXVII of the state sanitary code.

B. [Formerly paragraph 28:015-2] Each registrant or operator shall dispose of disposable materials coming into contact with blood, body fluids, or both, in a sealable plastic bag that is separate from sealable trash or garbage liners or in a manner that protects not only the registrant or operators and the client, but also others who may come into contact with the material, including sanitation workers. Waste materials shall be kept secured from public access. Waste dumpsters shall be kept locked.

C. [Formerly paragraph 28:015-3] Disposable, sharp objects that come in contact with blood or body fluids shall be disposed of in a sealable, rigid, puncture-proof container that is strong enough to protect the registrant or operators, clients, and others from accidental cuts or puncture wounds that could happen during the disposal process.

D. [Formerly paragraph 28:015-4] Registrants or operators shall have both sealable plastic bags or sealable rigid containers available at the facility.

E. [Formerly paragraph 28:015-5] Each registrant or operator shall follow universal precautions in all cases.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1460 (June 2002).

§131. Tattoo and Permanent Cosmetic Procedures; Preparation and Aftercare
[formerly paragraph 28:016]

A. [Formerly paragraph 28:016-1] During preparation, performance of service, and aftercare phases all substances shall be dispensed from containers in a manner to prevent contamination of the unused portion. Use of a covered spray bottle to apply liquid to skin is acceptable and will enhance the prevention of cross-contamination. Single use tubes or containers and applicators shall be discarded following tattoo service.

B. [Formerly paragraph 28:016-2] The client's skin shall be cleansed, excluding the areas surrounding the eyes, by washing with a Food and Drug Administration (FDA) compliant antiseptic solution applied with a clean single-use paper product before placing the design on the client's skin or beginning tattooing work.

C. [Formerly paragraph 28:016-3] If the area is to be shaved, the operator shall use a single use disposable safety razor and then rewash client's skin.

D. [Formerly paragraph 28:016-4] Substances applied to client's skin to transfer design from stencil or paper shall be single use. Paper stencils and skin scribes shall be single-use and disposed of immediately following service.

E. [Formerly paragraph 28:016-5] Body pencils used during a tattoo and permanent cosmetic service shall have the tip removed, the body and tip of the pen disinfected, and the tip sharpened to remove exposed edge after use on a client and prior to use on another client.

F. [Formerly paragraph 28:016-6] The plastic or acetate stencil used to transfer the design to the client's skin shall be thoroughly cleansed and rinsed in an Environmental Protection Agency (EPA) approved high-level disinfectant according to the manufacturers instructions and then dried with a clean single-use paper product.

G. [Formerly paragraph 28:016-7] Individual portions of inks, dyes, or pigments dispensed from containers or bottles into single-use containers shall be used for each client. Any remaining unused ink, dye or pigments shall be discarded immediately following service and shall not be re-used on another client.

H. [Formerly paragraph 28:016-8] Excess ink, dye, or pigment applied to the client's skin shall be removed with clean single-use paper product.

I. [Formerly paragraph 28:016-9] Use of styptic pencils or alum solids to check any blood flow is prohibited.

J. [Formerly paragraph 28:016-10] Upon completion of tattooing, the operator shall cleanse the skin, excluding the area surrounding the eyes, with a clean, single-use paper product saturated with an EPA-approved antiseptic solution.

K. [Formerly paragraph 28:016-11] A sanitary covering shall be placed over designs and adhered to the skin with suitable medical skin tape.

L. [Formerly paragraph 28:016-12] Each operator shall provide aftercare, which shall consist of both verbal and written instructions concerning proper care of the tattooed skin. Instructions shall specify the following information:

1. care following the procedure;
2. advise clients to contact the body art operator or a qualified health care professional at the first sign of abnormal inflammation, swelling or possible infection; and
3. restrictions.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1461 (June 2002).

§133. Body Piercing Procedures
[formerly paragraph 28:017]

A. Body piercing operators shall be responsible for adhering to the following standards while serving clients in the commercial body art facility.

1. [Formerly paragraph 28:017-1] Each operator shall observe and follow thorough hand washing procedures with soap and water or an equivalent hand washing product before and after serving each client and as needed to prevent cross contamination or transmission of body fluids, infections or exposure to service-related wastes or chemicals.

2. [Formerly paragraph 28:017-2] Each operator shall cleanse the client's skin, excluding the areas surrounding the eyes, by washing it with an FDA registered antiseptic solution applied with a clean, single-use paper product before and after piercing the client's skin.

3. [Formerly paragraph 28:017-3] All substances shall be dispensed from containers in a manner to prevent contamination of the unused portion. Single use swabs, applicators, lubricants, cups, skin scribes or marking instruments shall be discarded following the piercing service.

4. [Formerly paragraph 28:017-4] Any type of marking pen used by the operator shall be applied on cleansed skin only or shall be a surgical marking pen sanitized by design, including alcohol-based ink pens. The operator shall remove the tip of each body pencil used during a piercing, shall disinfect the body and the tip of the pencil, and shall sharpen the tip to remove the exposed edge prior to disinfection.

5. [Formerly paragraph 28:017-5] Use of styptic pencils or alum solids to control blood flow shall be prohibited.

6. [Formerly paragraph 28:017-6] Aftercare shall be administered to each client following service. Aftercare shall consist of both verbal and written instructions concerning proper care of the pierced area. Instructions shall specify the following information:

- a. care following service;
- b. advise clients to contact the body art operator or a qualified health care professional at the first sign of abnormal inflammation, swelling or possible infection; and
- c. restrictions.

7. [Formerly paragraph 28:017-7] Operators who have open sores or bleeding lesions on their hands shall not have client contact until the lesions have healed to the scab phase. Each operator shall cover them with protective gloves or impervious bandages prior to contact with clients.

8. [Formerly paragraph 28:017-8] Operators shall wear eye goggles, shields, or masks if spattering is likely to occur while providing services.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1461 (June 2002).

Chapter 3. Registration

[formerly paragraph 28:018]

§301. Procedures
[formerly paragraph 28:018-1]

A. Each person owning or operating a commercial body art facility or facilities within the state of Louisiana on January 1, 2000 shall register each facility with the department no later than March 1, 2000.

B. [Formerly paragraph 28:018-2] Each person acquiring or establishing a commercial body art facility within the state of Louisiana after January 1, 2000, shall register the facility with the department prior to beginning operation of such a facility.

C. [Formerly paragraph 28:018-3] No person shall operate a commercial body art facility without first having registered that facility as provided by §301.A and B of this Section. The application for registration of commercial body art facilities shall be submitted on forms provided by the department and shall contain all the information required by such forms and any accompanying instructions.

D. [Formerly paragraph 28:018-4] Each person managing a commercial body art facility and each person acting as an operator as defined in §101 of this Part on January 1, 2000, shall register with the department no later than March 1, 2000.

E. [Formerly paragraph 28:018-5] Each person who begins to act as a manager or operator in a commercial body art facility after January 1, 2000, shall register the facility as required in this Part prior to beginning operation of such a facility.

F. [Formerly paragraph 28:018-6] No person shall act as a manager or operator in a commercial body art facility without having first registered as provided in §301.D and E of this Section. The applications for registration shall be submitted on forms provided by the department and shall contain all of the information required by such forms and any accompanying instructions.

G. [Formerly paragraph 28:018-7] Any person or facility approved by the department for training commercial body art operators pursuant to R.S. 37:2743(A)(4) shall register with the department upon approval. The applications for registration shall be submitted on forms provided by the department and shall contain all of the information required by such forms and any accompanying instructions.

H. [Formerly paragraph 28:018-8] As part of the application for registration process, owners of commercial body art facilities shall submit a scale drawing and floor plan of the proposed establishment to the department for a review. This shall apply to new construction and to renovation of any existing property.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1462 (June 2002).

§303. Registration Application Form [formerly paragraph 28:019]

A. [Formerly paragraph 28:019-1] The department shall require at least the following information for registration:

1. name, physical address, mailing address and telephone number and normal business hours of each commercial body art facility;

2. name, residence address, mailing address and telephone number of the owner of each commercial body art facility;

3. for each manager or operator: name, residence address, mailing address, telephone number, place(s) of employment as a manger or operator, training and/or experience, proof of attendance of an approved operator training course as specified in §109 of this Part;

4. name, mailing address, telephone number and owner, manager or contact person for each operator training facility.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1462 (June 2002).

§305. Registration Fees [formerly paragraph 28:020]

A. [Formerly paragraph 28:020-1] The following fees shall accompany each application for initial registration.

Registrant	Fee
Owner of Facility	\$1,000
Manager of Facility	\$ 200
Operator	\$ 100
Training Facility or Person	\$3,000

1. Make check or money orders payable to the Department of Health and Hospitals.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1462 (June 2002).

§307. Issuance of Certificate of Registration [formerly paragraph 28:021]

A. [Formerly paragraph 28:021-1] A certificate of registration shall be issued upon receipt of an application and the required registration fee provided that no certificate of registration will be issued until an inspection has been made of the commercial body art facility and it has been found to be operating in compliance with the provisions of R.S. 40:2831-40:2834 and the provisions of this Part of the sanitary code.

B. [Formerly paragraph 28:021-2] Certificates of registration shall be displayed in an open public area of the commercial body art facility.

C. [Formerly paragraph 28:021-3] Certificates of registration shall expire annually on December 31.

D. [Formerly paragraph 28:021-4] Certificates of registration shall be issued only to the applicants and shall not be transferable.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1462 (June 2002).

§309. Renewal of Certificate of Registration [formerly paragraph 28:022]

A. [Formerly paragraph 28:022-1] Each registrant shall file applications for renewal of certificate of registration annually on forms provided by the department. The renewal application shall be forwarded to the mailing address of the registrant as listed on the last application for registration submitted to the department.

B. [Formerly paragraph 28:022-2] The following fees shall accompany each application for registration renewal.

Registrant	Renewal Fee
Owner of Facility	\$ 500
Manager of Facility	\$ 150
Operator	\$ 60
Training Facility or Person	\$1,000

1. Make check or money orders payable to the Department of Health and Hospitals.

C. [Formerly paragraph 28:022-3] Provided that a registrant files a required application with the department in proper form not less than 30 days prior to the expiration date stated on the certificate of registration, the certificate shall not expire pending final action on the application by the department.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1463 (June 2002).

§311. Temporary Commercial Body Art Facility/Operator Registration [formerly paragraph 28:023]

A. [Formerly paragraph 28:023-1] Temporary commercial body art facilities and, when required, operator registrations may be issued for body art services provided outside of the physical site of a registered permanent facility for the purposes of product demonstration, industry trade shows or for educational reasons.

B. [Formerly paragraph 28:023-2] Temporary commercial body art facility and/or operator registrations will not be issued unless:

1. the applicant furnishes proof of compliance with Chapter 3 of this Part relating to operator's registration;
2. the applicant is currently affiliated with a permanent fixed location or permanent facility which, is registered by the department;
3. applicants who reside outside of Louisiana must demonstrate to the department that they hold a valid registration or license to operate a commercial body art facility at a permanent fixed location issued by the state or local regulatory authority within their respective state;
4. the temporary site complies with §315 of this Part.

C. [Formerly paragraph 28:023-3] In lieu of attendance at a bloodborne pathogens training program approved by the department within the past year as specified in §109 of this Part, the applicant may furnish proof of attendance at equivalent training which is acceptable to the department.

D. [Formerly paragraph 28:023-4] Temporary registrations expire after 14 consecutive calendar days or at the conclusion of the special event, whichever is less.

E. [Formerly paragraph 28:023-5] Temporary commercial body art facility and/or operator registrations will not be issued unless the applicant has paid a reasonable fee as set by the department.

F. [Formerly paragraph 28:023-6] The temporary commercial body art facility and/or operator registration(s) shall not be transferable from one place or person to another.

G. [Formerly paragraph 28:023-7] The temporary commercial body art facility and/or operator registrations shall be posted in a prominent and conspicuous area where they may be readily seen by clients.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1463 (June 2002).

§313. Temporary Commercial Body Art Facility/Operator Registration Requirements [formerly paragraph 28:024]

A. [Formerly paragraph 28:024-1] A temporary registration may be issued by the department for educational, trade show or product demonstration purposes only. The registration may not exceed 14 calendar days.

B. [Formerly paragraph 28:024-2] A person who wishes to obtain a temporary demonstration registration must submit the request in writing for review by the department, at least 30 days prior to the event. The request should specify:

1. the purpose for which the registration is requested;
2. the period of time during which the registration is needed (not to exceed 14 consecutive calendar days per event), without re-application;
3. the fulfillment of operator requirements as specified in §109 of this Part;
4. the location where the temporary demonstration registration will be used.

C. [Formerly paragraph 28:024-3] The applicant's demonstration project must be contained in a completely enclosed, non-mobile facility (e.g., inside a permanent building).

D. [Formerly paragraph 28:024-4] Compliance with all of the requirements of this code, including but not limited to:

1. conveniently located hand washing facilities with liquid soap, paper towels and hot and cold water under adequate pressure shall be provided. Drainage in accordance with Part XIV and local plumbing codes is to be provided. Antiseptic single use hand wipes, approved by the department, to augment the hand washing requirements of this Section must be made readily available to each operator;
2. a minimum of 80 square feet of floor space;
3. at least 100 foot-candles of light at the level where the body art procedure is being performed:
 - a. facilities to properly sterilize instruments—evidence of spore test performed on sterilization equipment 30 days or less prior to the date of the event, must be provided; or only single use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers will be allowed;
4. ability to properly clean and sanitize the area used for body art procedures.

E. [Formerly paragraph 28:024-5] The facility where the temporary demonstration registration is needed must be inspected by the department and a certificate of registration issued prior to any body art procedures being performed.

F. [Formerly paragraph 28:024-6] Temporary demonstration registrations issued under the provisions of §313.E of this Part may be suspended by the department for failure of the holder to comply with the requirements of this Part.

G. [Formerly paragraph 28:024-7] All temporary demonstration registrations and the disclosure notice must be readily seen by clients.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1463 (June 2002).

§315. Report of Changes
[formerly paragraph 28:025]

A. [Formerly paragraph 28:025-1] The registrant shall notify the department in writing before making any change which would render the information contained in the application for registration inaccurate. Notification of changes shall include information required Chapter 3 of this Part.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1464 (June 2002).

§317. Transfer of Registrations
[formerly paragraph 28:026]

A. [Formerly paragraph 28:026-1] Certificates of registration issued to commercial body art facilities, facility managers, body art operators and operator trainers shall not be transferrable.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1464 (June 2002).

Chapter 5. Enforcement

[formerly paragraph 28:027]

§501. General Provisions
[formerly paragraph 28:027-1]

A. The Office of Public Health shall enforce the provisions of this Part in accordance with Part I of this Code.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1464 (June 2002).

§503. Suspension or Revocation of Approval
[formerly paragraph 28:029]

A. [Formerly paragraph 28:029-1] The department may suspend or revoke the approval and registration of a commercial body art facility at any time the department determines that the business is being operated in violation of the provisions of R.S. 40:2831-2834, or the provisions of R.S. 14:93.2, which prohibits the tattooing and body piercing of minors without parental or custodial consent.

B. [Formerly paragraph 28:029-2] In addition to suspension or revocation of approval and registration by the department, if a commercial body art facility violates the provisions of R.S. 14:93.2, it shall be subject to the penalties provided therein.

C. [Formerly paragraph 28:029-3] The department may suspend or revoke the registration of a manager or operator at a commercial body art facility or the registration of a registered training facility at any time the department determines that the registrant is operating in violation of the provisions of R.S. 40:2831-2834 or the provisions of R.S. 14:93.

D. [Formerly paragraph 28:029-4] In addition to suspension or revocation of registration by the department, a registrant who violates the provisions of R.S. 14:93.2 shall be subject to the penalties provided therein.

E. [Formerly paragraph 28:029-5] The department may suspend or revoke the approval and registration of a commercial body art facility for any of the following reasons:

1. failure to pay a registration fee or an annual registration renewal fee;
2. the applicant obtained or attempted to obtain an approval or registration by fraud or deception;
3. a violation of any of the provisions of this Part of the state sanitary code.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1464 (June 2002).

§505. Injunctive Relief
[formerly paragraph 28:030]

A. [Formerly paragraph 28:030-1] If the department or state health officer finds that a person has violated, is violating, or threatening to violate the provisions of R.S. 40:2831-2834 or the provisions of this Part of the sanitary code and that violation or threat of violation creates an immediate threat to the health and safety of the public, the department or state health officer may petition the district court for a temporary restraining order to restrain the violation or threat of violation. If a person has violated, is violating, or threatening to violate provisions of R.S. 40:2831-2834 or the provisions of this Part of the sanitary code, the department or state health officer may, after sending notice of said alleged violation to the alleged violator via certified mail and the lapse of 10 days following receipt of the notice by the alleged violator may petition the district court for an injunction to prohibit the person from continuing the violation or threat of violation.

B. [Formerly paragraph 28:030-2] On application for injunctive relief and a finding that a person is violating or threatening to violate provisions of R.S. 40:2831-2834 or the provisions of this Part of the sanitary code, the district court may grant any injunctive relief warranted by the facts. Venue for a suit brought under provisions of this Section shall be in the parish in which the violation is alleged to have occurred.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1464 (June 2002).

§507. Severability
[formerly paragraph 28:031]

A. See state sanitary code, Part I, §103.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1465 (June 2002).

Chapter 7. Facility Inspections [formerly paragraph 28:028]

§701. General Provisions [formerly paragraph 28:028-1]

A. The department shall conduct at least one inspection of a commercial body art facility prior to approving the business to offer body art application services under provisions of this Part and R.S. 40:2831-2834. The department may conduct additional inspections as necessary for the approval process, and may inspect a registered

commercial body art facility at any time the department considers necessary.

B. [Formerly paragraph 28:028-2] In an inspection, the department shall be given access to the business' premises and to all records relevant to the inspection.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4, R.S. 40:5, and 40:2833.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1465 (June 2002).