



ARAPAHOE COUNTY

Body Art Regulation Proposal to ACPH BOH

September 28, 2022



What is Body Art?

- “The practice of physical body adornment by Body Art Establishments or Body Artists utilizing, but not limited to, the techniques of body piercing, tattooing, branding, sculpting, and scarification. This definition does not include practices conducted under the supervision of a physician licensed to practice medicine under Colorado law or Ear Piercing.”





Relevant Facts

- Body Art has a long history and is even evident on mummies dating back some 4,000 years
- Western culture began to adopt tattooing in the 1700's
- Stigma's are fading and tattooing is becoming increasingly popular
- According to a 2019 poll by Ipsos, 30% of all Americans, regardless of age, have at least one tattoo



Relevant Risks

- Transmission of HIV, hepatitis B or C
- Staph and Mycobacterium infections
- Tetanus
- Allergic reaction to dyes or other materials
- Keloids
- Granulomas developing at the site





Equity Considerations

- Regulations most directly impact body art facility owners, artists and consumers
 - Designed to provide a safe working environment, ensure accountability and prevent the spread of communicable disease for everyone involved
 - Inspection Approach
 - Collaboration and partnerships are key
 - Education first and enforcement only as a last resort
 - Stakeholder input
 - Reestablish trust with business in the wake of the pandemic
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Authority and Purpose

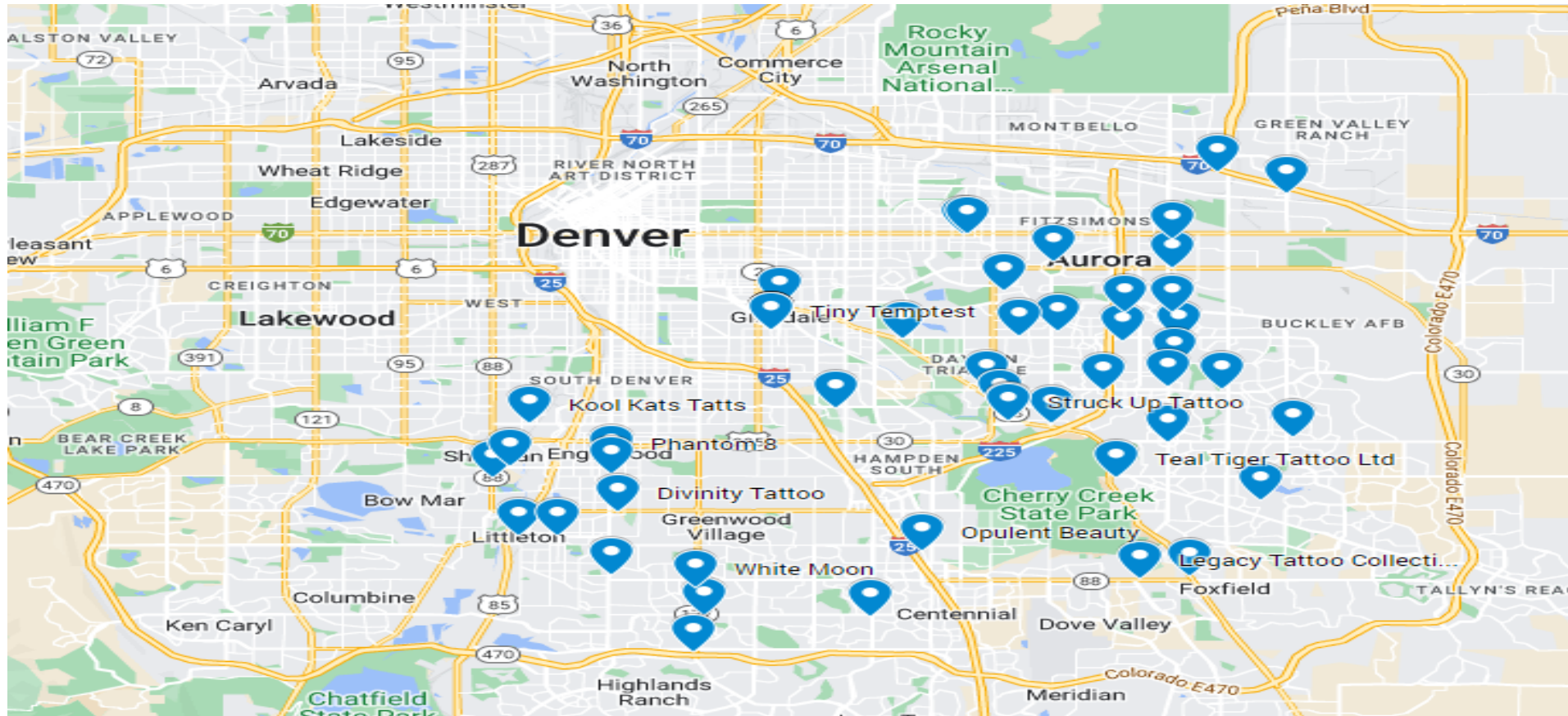
Authority

The Body Art regulation is promulgated pursuant to 25-04-2101, et seq. C.R.S.

Purpose

The purpose of the proposed Regulation is to create a clean working environment, establish safe and sanitary body art procedures and ensure operator accountability

52 Body Art Establishments in Arapahoe County



TCHD NO. BA-16

- Tri-County Health Department (TCHD) Regulation NO. BA-16 was adopted by the TCHD Board of Health on August 9, 2016 and became effective January 1, 2017
- Regulation BA-16 was required to be no less stringent than the Colorado Department of Public Health and Environment's (CDPHE) Regulation 6 CCR 1010-22



REGULATION NO. BA-16

Tri-County Health Department Rules and
Regulations for Body Art Establishments

ADOPTED BY THE BOARD OF HEALTH OF THE
TRI-COUNTY HEALTH DEPARTMENT ON
August 9, 2016

Effective Date
January 1, 2017

Pursuant to Title 25-BL-2001, et seq. Colorado Revised Statutes

Why Regulate? Why Regulate Locally?

- Regulation provides a clearly defined process to achieve compliance, encourages industry wide continuity and discourages practices that could put public at risk
 - In 2016, TCHD's stakeholder input process revealed that many body artists in its jurisdiction were strongly in favor of licensing and regulation: offers legitimacy and credibility to their industry
 - TCHD utilized state regulation from program inception (roughly 2002) through 2016; state regulation does not have a licensing component
 - Without a licensing component, very difficult to pursue enforcement and hold "bad actors" accountable
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High Level BA-16 Regulation Overview

- Section 2: Establishes minimum requirements for body artists
- Section 3: Establishes minimum requirements for body art establishments
- Section 4: Establishes requirements for client records
- Section 5: Establishes facility operational requirements
- Section 6: Establishes Temporary Event and Mobile requirements



High Level BA-16 Regulation Overview Cont.

- Section 7: Establishes exposure control plan procedures
- Section 8: Establishes instrument sterilization procedures
- Section 9: Establishes body art procedures
- **Section 10: Establishes body art licensing, inspection and enforcement procedures**
- Section 11: Establishes variance procedures



Proposed Arapahoe County Body Art Regulation

- Language in the proposed regulation is identical to BA-16
 - Removed all references to Tri-County Health Department, Adams County, and Douglas County and replaced with Arapahoe County Public Health / Arapahoe / ACPH as appropriate
 - All references to State Statute are current
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Arapahoe County Board of Health Responsibilities

- “Authorized and Empowered” to adopt Body Art Regulations
 - Adopt fee schedule for Body Art
 - Civil Penalty assessed by ACPH Hearing Officer
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Timeline

Sept 28, 2022 – Proposed Body Art Regulation presented to BOH



Oct 12, 2022 – Public Hearing held to invite public comment on proposed Body Art Regulation (adopted if no comment)



Oct 26, 2022 – If proposed Body Art Regulation not adopted on 10/12/22, amended Regulation brought back to BOH for adoption

Recommendation

- Adopt BA-16 as revised for
Arapahoe County Public
Health Department



Questions



(4-403: “Tattoos should be considered permanent”)
