

FILE NO.

## LEGISLATIVE DIGEST

[Health, Business and Tax Regulations Codes - Safe Body Art]

**Ordinance amending the Health Code by repealing miscellaneous sections relating to tattooing and adding Article 40 to require body art practitioners to register with the San Francisco Department of Public Health (DPH) and to annually renew registration, and to require permanent and temporary body art facilities to obtain and annually renew permits with DPH; amending the San Francisco Business and Tax Regulations Code by adding fees relating to body art permits and licenses; and making environmental findings.**

### Existing Law

Under existing law, every tattoo establishment or person engaged in the practice of tattooing must have a permit from DPH. Tattoo establishments must pay an annual license fee, subject to yearly adjustment. Additionally, any person employed as an operator in the practice of tattooing must secure an operator's card. Both the operator's card and the DPH permit are subject to suspension or revocation upon a showing satisfactory to the DPH Director of a violation of state or local law. Suspension or revocation of an operator's card automatically suspends or revokes any license issued to such person under City and County of San Francisco ordinances. A person who fails to register or who violates the sterilization, sanitation, and safety standards is guilty of a misdemeanor, punishable by up to a \$500 civil penalty and 6 month imprisonment in County jail.

### Amendments to Current Law

These amendments would repeal the existing tattoo provisions from the Health Code and add Article 40, in order to conform to newly enacted state law, the Safe Body Art Act, California Health & Safety Code § 119300 *et seq.* The Act defines body art to include piercing, tattooing, branding and the application of permanent cosmetics, and requires body art practitioners to comply with specified requirements, including, client information and questionnaires, vaccination, bloodborne pathogen training, and sanitation. Article 40 would require body art practitioners to register with DPH and renew this registration annually; it also requires all body art facilities to obtain a permit from DPH and renew this permit annually. All body art practitioners and facilities, including mobile facilities, temporary demonstration booths, and mechanical piercing facilities, must pay annual fees, subject to yearly adjustment. Permits and registrations would be subject to suspension or revocation, following a hearing, upon a showing satisfactory to the Director that the practitioner violated state or local law. Imminent health hazards may require immediate suspension, with a hearing to follow.

This ordinance would exempt from the definition of body art the piercing of an ear with a disposable, single-use, presterilized stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear, but would require that such practices be

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conducted in a safe and sanitary manner, and that the operator of a mechanical stud and clasp facility, or facilities, shall register with DPH annually. Registered body art practitioners would be permitted to practice in a temporary body art demonstration booth for no more than 7 days in a 90-day period, provided the booth meets certain minimum sanitary conditions and all required fees are paid.

The ordinance would make performing body art without being registered, operation of a body art facility without a health permit, or operation of a temporary body art event without a permit a misdemeanor and would authorize DPH to assess an administrative penalty up to \$1,000. The ordinance would also authorize DPH to impose an additional penalty of up to three times the cost of the permit on a practitioner who violates temporary body art demonstration booth requirements.

### Background

The Safe Body Art Act (AB 300) became effective July 1, 2012, and set statewide health and safety standards for practitioners of piercing, tattooing, branding and the application of permanent cosmetics. These San Francisco Health Code amendments conform to the new state law.