

REFERENCE TITLE: physical body adornment; establishments; certification

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2214

Introduced by
Representatives Butler: Fernandez B, Powers Hannley

AN ACT

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 16;
RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, Arizona Revised Statutes, is amended by adding
3 chapter 16, to read:

4 CHAPTER 16

5 BODY ART ESTABLISHMENTS

6 ARTICLE 1. GENERAL PROVISIONS

7 36-1801. Definitions

8 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "BODY ART":

10 (a) MEANS THE PRACTICE OF PHYSICAL BODY ADORNMENT BY BODY PIERCING,
11 TATTOOING, COSMETIC TATTOOING, PERMANENT SKIN COLORING, BRANDING AND
12 SCARIFICATION.

13 (b) DOES NOT INCLUDE PRACTICES THAT ARE ANY OF THE FOLLOWING:

14 (i) CONSIDERED BY A STATE MEDICAL BOARD TO BE MEDICAL PROCEDURES.

15 (ii) NONINVASIVE FORMS OF PAINTING THROUGH THE USE OF DYES OR INKS.

16 (iii) CONSIDERED BY THE BARBERING AND COSMETOLOGY BOARD COSMETOLOGY
17 TO BE AESTHETICS, COSMETOLOGY OR NAIL TECHNOLOGY.

18 2. "BODY ART ESTABLISHMENT" MEANS ANY PLACE WHERE BODY ART IS
19 PERFORMED, WHETHER OR NOT FOR PROFIT, UNDER THE DIRECTION OF A BODY ART
20 ESTABLISHMENT OPERATOR.

21 3. "BODY ART ESTABLISHMENT EMPLOYEE" MEANS A PERSON WHO PRACTICES
22 BODY ART AT A BODY ART ESTABLISHMENT UNDER THE DIRECTION OF A BODY ART
23 ESTABLISHMENT OPERATOR.

24 4. "BODY ART ESTABLISHMENT OPERATOR" MEANS A PERSON WHO CONTROLS,
25 OPERATES, MANAGES OR PRACTICES BODY ART ACTIVITIES AT A BODY ART
26 ESTABLISHMENT.

27 5. "BODY PIERCING":

28 (a) MEANS PUNCTURING OR PENETRATING A PERSON'S SKIN WITH A NEEDLE
29 OR SHARPENED JEWELRY AND INSERTING JEWELRY OR ANOTHER ADORNMENT IN THE
30 OPENING.

31 (b) INCLUDES EAR PIERCING.

32 6. "EAR PIERCING" MEANS THE PUNCTURING OF THE OUTER PERIMETER OR
33 LOBE OF THE EAR WITH A NEEDLE.

34 7. "LOCAL PUBLIC HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPARTMENT
35 ESTABLISHED PURSUANT TO CHAPTER 1, ARTICLE 4 OF THIS TITLE OR A COUNTY
36 ENVIRONMENTAL DEPARTMENT.

37 8. "TATTOOING" MEANS ANY METHOD OF PLACING INK OR OTHER PIGMENT
38 INTO OR UNDER THE SKIN OR MUCOSA TO PERMANENTLY COLOR THE SKIN OR MUCOSA
39 BY USING A NEEDLE OR ANY OTHER INSTRUMENT TO PUNCTURE THE SKIN. TATTOOING
40 INCLUDES ALL FORMS OF COSMETIC TATTOOING AND PERMANENT SKIN COLORING SUCH
41 AS EYELINER, EYEBROWS, LIP LINER, FULL LIP COLOR, REPIGMENTATION OR
42 CAMOUFLAGE.

1 36-1802. Certificates of operation required; application;
2 fees; posting

3 A. BEGINNING JANUARY 1, 2024, A BODY ART ESTABLISHMENT OPERATOR WHO
4 WISHES TO OPERATE A BODY ART ESTABLISHMENT SHALL HAVE A CURRENT
5 CERTIFICATE OF OPERATION ISSUED BY A LOCAL PUBLIC HEALTH DEPARTMENT. A
6 BODY ART ESTABLISHMENT OPERATOR WHO WISHES TO OPERATE MORE THAN ONE BODY
7 ART ESTABLISHMENT SHALL HAVE A SEPARATE CERTIFICATE OF OPERATION FOR EACH
8 ESTABLISHMENT.

9 B. EACH LOCAL PUBLIC HEALTH DEPARTMENT MAY ESTABLISH FEES RELATING
10 TO BODY ART ESTABLISHMENT CERTIFICATES OF OPERATION.

11 C. AN APPLICANT FOR A CERTIFICATE OF OPERATION SHALL FILE A
12 COMPLETED APPLICATION AS REQUIRED BY THE LOCAL PUBLIC HEALTH DEPARTMENT
13 AND SHALL INCLUDE THE APPLICATION FEE AS PRESCRIBED BY THE LOCAL PUBLIC
14 HEALTH DEPARTMENT.

15 D. A CERTIFICATE OF OPERATION ISSUED PURSUANT TO THIS SECTION IS
16 NOT TRANSFERABLE.

17 E. THE BODY ART ESTABLISHMENT OPERATOR SHALL POST THE CERTIFICATE
18 OF OPERATION AND A REPORT OF THE MOST RECENT INSPECTION, IF APPLICABLE, IN
19 A PROMINENT AND CONSPICUOUS AREA OF THE BODY ART ESTABLISHMENT WHERE
20 CLIENTS MAY READILY OBSERVE THEM.

21 36-1803. Minimum standards for operation; local public health
22 departments; rules

23 A. EACH LOCAL PUBLIC HEALTH DEPARTMENT SHALL ADOPT RULES THAT
24 PRESCRIBE MINIMUM STANDARDS REGARDING ALL OF THE FOLLOWING THAT BODY ART
25 ESTABLISHMENTS MUST COMPLY WITH AS A CONDITION OF OPERATION:

- 26 1. SANITATION.
- 27 2. PEST CONTROL.
- 28 3. PROPER DISPOSAL OF EQUIPMENT AND BODILY FLUIDS.
- 29 4. STERILIZATION OF EQUIPMENT AND SURFACE AREAS.
- 30 5. RECORDKEEPING AND OTHER BUSINESS PROCEDURES.
- 31 6. BODY ART ESTABLISHMENT EMPLOYEE REQUIREMENTS.
- 32 7. REQUIRED ANNUAL TRAINING ON BLOODBORNE PATHOGENS THAT INCLUDES

33 AT LEAST THE FOLLOWING:

34 (a) TRAINING CONDUCTED BY A PERSON OR PERSONS WHO ARE KNOWLEDGEABLE
35 IN EXPOSURE CONTROL AND INFECTION PREVENTION IN THE BODY ART SETTING AND
36 WHO ARE APPROVED BY THE LOCAL PUBLIC HEALTH DEPARTMENT.

37 (b) TRAINING AND TRAINING MATERIALS SPECIFIC TO PERFORMING BODY ART
38 THAT INCLUDE A COPY OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
39 BLOODBORNE PATHOGENS STANDARD (29 CODE OF FEDERAL REGULATIONS SECTION
40 1910.1030) AND A COPY AND EXPLANATION OF APPLICABLE COUNTY, CITY OR TOWN
41 ORDINANCES THAT PERTAIN TO TRANSMISSION CONTROL OF BLOODBORNE PATHOGENS IN
42 BODY ART.

1 (c) A DISCUSSION OF THE TRANSMISSION, CONTROL AND SYMPTOMS OF
2 DISEASES THAT ARE CAUSED BY BLOODBORNE PATHOGENS AND THE TYPES AND USES OF
3 PERSONAL PROTECTIVE EQUIPMENT, SUCH AS DISPOSABLE GLOVES, INCLUDING AN
4 EXPLANATION OF THE LIMITS OF THE EQUIPMENT.

5 (d) INFORMATION ON SIGNAGE REQUIRED FOR BIOHAZARD MATERIALS AND THE
6 IMPORTANCE OF PROPERLY LABELING CHEMICALS AND SUPPLIES.

7 B. A COUNTY THAT REGULATES BODY ART ESTABLISHMENTS SHALL ADOPT
8 STANDARDS THAT ARE AT LEAST AS STRINGENT AS THOSE PRESCRIBED IN SUBSECTION
9 A OF THIS SECTION.

10 36-1804. Investigations; inspections; penalties

11 A. TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE, A
12 LOCAL PUBLIC HEALTH DEPARTMENT MAY RECEIVE AND INVESTIGATE COMPLAINTS,
13 INITIATE AND CONDUCT INVESTIGATIONS AND ENTER AND INSPECT A BODY ART
14 ESTABLISHMENT OR TEMPORARY BODY ART ESTABLISHMENT DURING BUSINESS HOURS.

15 B. IF THE LOCAL PUBLIC HEALTH DEPARTMENT BELIEVES, PURSUANT TO AN
16 INSPECTION OR INVESTIGATION, THAT A BODY ART ESTABLISHMENT OPERATOR IS IN
17 VIOLATION OF THIS ARTICLE OR RULES ADOPTED BY THE LOCAL PUBLIC HEALTH
18 DEPARTMENT, THE LOCAL PUBLIC HEALTH DEPARTMENT MAY DO ANY OF THE
19 FOLLOWING:

20 1. IF THE LOCAL PUBLIC HEALTH DEPARTMENT DETERMINES THAT THE
21 VIOLATION DOES NOT POSE A RISK TO THE PUBLIC HEALTH OR SAFETY, NOTIFY THE
22 BODY ART ESTABLISHMENT OPERATOR IN WRITING OF ITS FINDINGS AND INSTRUCT
23 THE OPERATOR TO TAKE SPECIFIC STEPS TO CORRECT THE VIOLATION WITHIN A
24 REASONABLE TIME.

25 2. ISSUE A CEASE AND DESIST ORDER.

26 3. IMPOSE A CIVIL PENALTY AS PRESCRIBED BY ORDINANCE FOR EACH
27 VIOLATION OF THIS ARTICLE. IN ADDITION, THE LOCAL PUBLIC HEALTH
28 DEPARTMENT MAY ASSESS AND COLLECT THE REASONABLE COSTS INCURRED IN A
29 DISCIPLINARY HEARING IF ACTION IS TAKEN AGAINST A PERSON'S CERTIFICATE OF
30 OPERATION.

31 4. ACCEPT THE VOLUNTARY SURRENDER OF A CERTIFICATE OF OPERATION.

32 5. IF THE LOCAL PUBLIC HEALTH DEPARTMENT DETERMINES THAT THE PUBLIC
33 HEALTH OR SAFETY REQUIRES IMMEDIATE ACTION, ORDER THE SUMMARY SUSPENSION
34 OF A CERTIFICATE OF OPERATION OR THE RESTRICTION OF THE BODY ART
35 ESTABLISHMENT OPERATOR'S BUSINESS OPERATION PENDING A HEARING.

36 36-1805. Local government regulation

37 A. THIS ARTICLE DOES NOT PROHIBIT A CITY, TOWN OR COUNTY FROM
38 ADOPTING AND ENFORCING ORDINANCES AFFECTING BODY ART ESTABLISHMENTS,
39 LOCATIONS OR SETTINGS IN WHICH INDIVIDUALS, ENTITIES OR BUSINESSES ENGAGE
40 IN THE PRACTICE OF BODY ART.

41 B. A CITY, TOWN OR COUNTY MAY IMPOSE ORDINANCES THAT ARE MORE
42 STRINGENT THAN THE RULES ADOPTED BY THE LOCAL PUBLIC HEALTH DEPARTMENT
43 PURSUANT TO THIS ARTICLE.