

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R112-16)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 444 of Nevada Administrative Code (NAC), Sanitation. This public hearing is to be held in conjunction with the State Board of Health meeting on September 8, 2017.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, September 8, 2017 at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room #303 Carson City, NV 89706	Southern Nevada Health District 280 S. Decatur Blvd Las Vegas, NV 89107 Red Rock Trail Rooms: A & B	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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The proposed changes to NAC 444 include the following:

1. Adopting regulation amendments for Tattoos, piercings, and other forms of Invasive Body Decoration procedures that are not currently regulated state-wide in a manner that protects the health of the consumer in the State of Nevada.
2. There is a high risk of contracting skin infections, bloodborne diseases, and other communicable diseases during procedures performed in unregulated and potentially insanitary establishments. The regulation changes propose inspection oversight of invasive body decoration procedures, with the intent to reduce the risk of bloodborne disease and skin infection among patrons and operators by enforcing industry best practices in all establishments within the State.
3. These regulation amendments require all operators in the State to pay a permit fee and become subject to inspection by the Health Authority having jurisdiction. Regulated establishments will be assessed an annual permit fee of \$290; fees assessed by operators at special events will be variable depending on the number of events attended per year.

1. Anticipated effects on the business which amendments to NAC 444 will regulate:

- A. *Adverse effects:* It is not expected that these regulations will have significant adverse impact upon small businesses operating from brick-and-mortar establishments. Traveling mobile establishments may be impacted by these regulations due to

restrictions on the number of days a mobile unit can operate from a single location. Additional permits can be obtained if the 14 day maximum needs to be exceeded.

- B. *Beneficial*: Proper oversight of the industry will result in better protection of the public health and improved business operations by reducing the number diseases that may be contracted through the Invasive Body Decoration procedures. The benefit to the time restriction on the traveling mobile permits is to ensure that the public safety is preserved. Mobile operations would have to notify the health authority of the event location and timeframe ahead of time to allow for guidance to be provided in advance and onsite inspections to occur during the event.
- C. *Immediate*: Existing establishments will have to submit an annual permit fee of \$290 to obtain a permit; fees assessed by operators at special events will be variable depending on the number of events attended per year.
- D. *Long-term*: Annual permit fees; costs associated with compliance schedules established with the facility operator(s) and the health authority to ensure compliance with the amendments to NAC 444.

2. Anticipated effects on the public:

- A. *Adverse*: None.
- B. *Beneficial*: Improved public health protection through proper industry oversight, reduced infections, and prevention of disease transmission from Tattoo, Piercing, and other forms of Invasive Body Decoration procedures that are provided to consumers in Nevada.
- C. *Immediate*: Prevention of Illness and Disease.
- D. *Long-term*: Same as above

3. The estimated cost to the Division of Public and Behavioral Health for enforcement of the proposed regulations is to be covered by the proposed fee to license Invasive Body Decoration Establishments in the proposed regulations.

The proposed regulations do not overlap or duplicate any other Nevada state regulations. Federal regulations do not have any requirements for an Invasive Body Decoration Facility. The proposed regulations create needed oversight for the industry, and at the same time the expanded protection of public health will result in fewer skin infections by consumers in Nevada.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary to be received no later than August 18, 2017 at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, NV 89701

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Nevada Division of Public and Behavioral Health
4220 S. Maryland Parkway, Suite 810, Building D
Las Vegas, NV 89119

A copy of the regulations and small business impact statement can be found on-line by going to:
<http://dpbh.nv.gov/Boards/BOH/Regulations/Regulations/>

A copy of the public hearing notice can also be found at Nevada Legislature's web page:
<http://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-1030 in Carson City or (702) 486-6515 in Las Vegas.

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
1401 East Flamingo Road
Las Vegas, NV 89119

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street

Esmeralda County Library
Corner of Crook and 4th Street

Elko, NV 89801

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316-0283

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

Goldfield, NV 89013-0484

Henderson District Public Library
280 South Green Valley Parkway
Henderson, NV 89012

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.