PROPOSED REGULATION OF THE

STATE BOARD OF HEALTH

LCB File No. R112-16

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EXPLANATION – Matter in ***italics*** is new; matter in brackets **[**~~omitted material~~**]** is material to be omitted.

AUTHORITY: §§1-114 and 116, NRS 439.200; §115, NRS 439.150 and 439.200.

A REGULATION relating to invasive body decorations; establishing provisions governing the permitting and operation of certain invasive body decoration establishments; prescribing fees for the issuance and renewal of certain permits relating to the operation of invasive body decoration establishments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Health to regulate sanitation and sanitary practices in the interests of the public health and to protect and promote the public health generally. (NRS 439.200)

This regulation creates a comprehensive scheme for the regulation of invasive body decoration establishments that provide certain services, including, without limitation, tattooing and body piercing. **Sections 3-30** of this regulation define the terms used in this regulation. **Section 32** of this regulation exempts: (1) licensed physicians and those working under the direct supervision of a licensed physician from the provisions of this regulation; and (2) certain establishments which only perform piercing of the earlobe with a piercing gun system. **Section 33** of this regulation provides that extreme body modification must not be performed in an invasive body decoration establishment unless the extreme body modification is performed by or under the supervision of certain medical professionals. Under **section 33**, extreme body modification is defined as certain procedures to alter the appearance, sensation or function of the human body for decorative or cultural purposes.

Section 37 of this regulation requires that invasive body decoration procedures be performed in an invasive body decoration establishment which has been issued a permit by the health authority for the jurisdiction in which the establishment is located. **Sections 38-40** of this regulation require the person performing an invasive body decoration procedure to be at least 18 years of age, obtain certain training in the control of blood-borne pathogens in an invasive body

decoration establishment that complies with certain federal regulations and is approved by the health authority, and to be in good health and hygienic. **Section 41** of this regulation allows the person performing an invasive body decoration procedure to ask the client, before beginning the procedure, whether the client has a history of blood-borne infectious disease. **Sections 42 and 43** of this regulation require the person performing an invasive body decoration procedure to wash his or her hands and to wear gloves while performing the procedure. **Sections 44 and 45** of this regulation require an invasive body decoration establishment to maintain certain documentation, including a release form that must be filled out and signed by each client. **Section 46** of this regulation provides that a client must be at least 18 years of age unless express permission is granted by a parent or legal guardian. **Section 47** of this regulation requires an invasive body decoration establishment to provide certain postprocedure care instructions to a client. **Section 49** of this regulation prohibits eating, drinking, smoking, the use of tobacco and certain other activities in certain areas of an invasive body decoration establishment. **Sections 49-63** of this regulation prescribe the requirements for: (1) cleaning the surfaces in an invasive body decoration establishment; and (2) the supplies and equipment to be used in an establishment and their proper disposal.

Section 64 of this regulation prescribes rules governing the manufacturing of tattoo needles. **Section 65** of this regulation prohibits, with certain exceptions, the operation of an invasive body decoration establishment from a private residence or other dwelling. **Section 66** of this regulation prohibits, with certain exceptions, animals from being present in an invasive body decoration establishment. **Sections 67-75** of this regulation prescribe requirements for the premises of an invasive body decoration establishment, including certain rooms, minimum floor space, lighting and ventilation. **Section 34** of this regulation adopts certain plumbing standards and **sections 76-79** of this regulation prescribe requirements for sinks, water and sewage disposal in an invasive body decoration establishment. **Sections 81-92** of this regulation prescribe requirements for the disinfection and sterilization of equipment used at an invasive body decoration establishment. **Sections 80 and 93** of this regulation prescribe requirements for the proper storage and disposal of waste and medical waste generated by an invasive body decoration establishment. **Section 94** of this regulation requires an invasive body decoration establishment to develop, maintain and follow a site-specific infection control plan.

Sections 95-103 of this regulation prescribe requirements for the permitting and operation of a temporary or mobile invasive body decoration establishment.

Sections 104-107 of this regulation prescribe the requirements for the application for and issuance of a permit to operate an invasive body decoration establishment. **Section 108** of this regulation requires the display of a permit. **Section 109** of this regulation requires a permit holder to close the invasive body decoration establishment in certain emergency situations. **Sections 110-112** of this regulation allow for the inspection of invasive body decoration establishments and prescribe the action that may be taken for violations. **Sections 113 and 114** of this regulation prescribe the procedure for the suspension or revocation of a permit and rights of appeal. **Section 115** of this regulation establishes fees relating to the issuance and renewal of a

permit to operate an invasive body decoration establishment. **Section 116** of this regulation describes the responsibilities of existing invasive body decoration establishments on the effective date of this regulation.

Section 1. Chapter 444 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 115, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 115, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 30, inclusive, of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Aftercare instructions" means written directions given to a client after an invasive body decoration procedure, specific to the care and healing of the procedure rendered.***

Sec. 4. ***"Apprentice" means a person who is engaged in learning the occupation of performing invasive body decoration procedures in an invasive body decoration establishment.***

Sec. 5. ***"Client" means any person, including, without limitation, a customer or employee of an invasive body decoration establishment, who utilizes the services of an establishment regardless of whether those services are performed for remuneration.***

Sec. 6. ***"Contamination" means the presence or potential presence of blood, infectious materials or other types of impure materials that have been introduced or potentially introduced to any work surfaces, equipment or instruments rendering the surface, equipment or instrument unsafe for use.***

Sec. 7. ***"Disinfect" means the use of a disinfectant to destroy or inhibit pathogenic microorganisms on work surfaces, equipment or instruments.***

Sec. 8. *"Disinfectant" means a chemical agent that destroys, neutralizes or inhibits the growth of pathogenic microorganisms.*

Sec. 9. *"Handwashing sink" means a sink used solely for washing hands, arms or other portions of the body.*

Sec. 10. *"Health authority" means the officers and agents of:*

1. The Division; or

2. The local board of health.

Sec. 11. *"Infection control plan" means a written document that describes the formal procedures which an invasive body decoration establishment will follow to prevent the spread of pathogens.*

Sec. 12. *"Invasive body decoration establishment" or "establishment" means any location, whether temporary, mobile or permanent, where invasive body decoration procedures are offered as a service and which has been issued a permit.*

Sec. 13. *"Invasive body decoration operator" means any person engaged in the business or service of performing invasive body decoration procedures, including, without limitation, employees of an invasive body decoration establishment, apprentices and visiting artists.*

Sec. 14. *"Invasive body decoration procedure" means any technique used to permanently or temporarily adorn, stretch or decorate the body, including, without limitation, tattooing, permanent makeup, body piercing and any other forms of skin, tissue, cartilage or mucosal alteration.*

Sec. 15. *"Jewelry" means any ornament inserted into the body by means of an invasive body decoration procedure.*

Sec. 16. ***"Medical waste" has the meaning ascribed to it in NAC 444.589.***

Sec. 17. ***"Permanent makeup" means cosmetic tattooing which includes, without limitation, the application of permanent eyeliner, eyebrows, lip liner, full lip color, repigmentation or camouflage.***

Sec. 18. ***"Permit" means written approval by the health authority to operate an invasive body decoration establishment.***

Sec. 19. ***"Pierced" or "piercing" means puncturing or penetration of the skin, tissue, cartilage or mucosa of a person and the insertion of jewelry or other adornment in the opening.***

Sec. 20. ***"Premises" means the physical facility, either owned, rented, leased or otherwise used by an invasive body decoration establishment to conduct business. The term includes, without limitation, the facility, vehicle or location used by a temporary or mobile invasive body decoration establishment.***

Sec. 21. ***"Presterilized" means the sterilization and sealing of an item by the manufacturer of the item that is intended only for single-use after opening.***

Sec. 22. ***"Procedure area" means the approved physical area in an invasive body decoration establishment where invasive body decoration procedures are performed.***

Sec. 23. ***"Responsible person" means the natural person designated by an invasive body decoration establishment as being responsible for compliance with sections 2 to 115, inclusive, of this regulation.***

Sec. 24. ***"Sharps" means an object which has been or may have been contaminated with a pathogen through handling or during transportation and which is also capable of cutting or***

penetrating the skin, tissue, cartilage or mucosa of a person or a packaging material. The term includes, without limitation, needles, syringes, scalpels, broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, Pasteur pipettes and similar items that have a point or sharp edge or which may break during transportation resulting in a point or sharp edge.

Sec. 25. *"Sharps container" means a receptacle that is commercially manufactured, rigid and puncture-resistant for the disposal of sharps with required labeling that, when sealed, is leak-resistant and cannot be reopened without great difficulty.*

Sec. 26. *"Single-use" means a product or item designed to be disposed of after one use and not intended to be reused. The term includes, without limitation, cotton swabs or balls, tongue depressors, disposable grips and tips, tissues or paper products, paper or plastic cups, gauze or sanitary coverings, razors, needles, stencils and ink cups.*

Sec. 27. *"Stencil" means a copy made from a prepared gelatin surface to which a design is transferred. The term includes, without limitation, a hectograph.*

Sec. 28. *"Sterilization" means a cleaning process which results in the total destruction of all forms of microbial life.*

Sec. 29. *"Sterilizer" means an autoclave or similar device which is designed and labeled by the manufacturer as a medical instrument sterilizer and which uses heat and pressure to destroy microorganisms and their spores.*

Sec. 30. *"Tattoo" means the insertion of pigment under the surface of the human skin or mucosa by pricking with a needle or other means, to permanently change the color or*

appearance of the skin or mucosa or to produce an indelible mark or figure visible through the skin or mucosa.

Sec. 31. *If any provision of sections 2 to 115, inclusive, of this regulation or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions or applications that can be given effect without the invalid provision or application.*

Sec. 32. *1. Except as otherwise provided in subsections 3 and 4, the provisions of sections 2 to 115, inclusive, of this regulation do not apply to an establishment:*

(a) In which invasive body decoration procedures are performed by a physician or under the direct supervision of a physician licensed pursuant to chapter 630 or 633 of NRS in the physician's office or clinic; or

(b) That has obtained an exemption from the health authority and limits the invasive body decoration procedures performed at the establishment to the piercing of the earlobe only with a presterilized single-use stud and clasp ear-piercing system used in compliance with the manufacturers' directions and all applicable requirements of the United States Food and Drug Administration.

2. If an establishment operating pursuant to this section fails to comply with the requirements of this section, the health authority shall revoke the exemption and close the portion of the establishment where invasive body decoration procedures are performed. An establishment that has had its exempt status revoked pursuant to this section must obtain a permit before resuming invasive body decoration procedures.

3. A person performing an invasive body decoration procedure at an establishment that is exempt from the provisions of sections 2 to 115, inclusive, of this regulation shall comply with the provisions of section 63 of this regulation when placing jewelry in skin that is newly pierced.

4. The health authority retains authority to investigate complaints relating to alleged:

(a) Misuse or improper disinfection of ear-piercing systems described in subsection 1; or

(b) Failure to comply with subsection 3.

Sec. 33. *1. Extreme body modification is considered a medical or surgical procedure and must not be performed in an invasive body decoration establishment unless performed by or under the direct supervision of a physician licensed pursuant to chapter 630 or 633 of NRS, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or an advanced practice registered nurse licensed pursuant to NRS 632.237, who has determined that the procedure is safe, ethical and can be performed in accordance with the laws and regulations governing his or her profession and is not otherwise prohibited by statute.*

2. As used in this section, "extreme body modification" means any method, other than tattooing, permanent makeup or body piercing, used to alter the appearance, sensation or function of the human body for decorative or cultural purposes, including, without limitation, scarification, branding, cutting, skin peeling, scleral tattooing, subdermal or transdermal implants, suspension piercing, dermal punching, amputation, trepanation, tongue or penis splitting, castration, circumcision, penectomy, saline injection and vacuum pumping.

Sec. 34. *1. The State Board of Health hereby adopts by reference the most current edition of the Uniform Plumbing Code published by the International Association of*

Plumbing and Mechanical Officials. The provisions of this subsection do not apply if the Board gives notice, in accordance with subsection 2, that the most current edition or revision of the Uniform Plumbing Code is not suitable for use in this State.

2. The State Board of Health will review each edition or revision of the publication adopted by reference in subsection 1 to ensure its suitability for use in this State. If the Board determines that an edition or revision is not suitable for use in this State, the Board will hold a public hearing to review its determination within 6 months after the date on which the edition or revision was published, and give 30 days' notice of that hearing. If, after the public hearing, the Board does not change its determination, the Board will give notice within 30 days after the hearing that the applicable edition or revision is not suitable for use in this State. If the Board does not give such notice, the edition or revision shall be deemed part of the publication adopted by reference in subsection 1.

3. The Uniform Plumbing Code may be obtained from the International Association of Plumbing and Mechanical Officials by telephone at (909) 472-4208 or at the Internet address http://www.iapmostore.org/, for $119.00 for nonmembers and $95.20 for members. The Uniform Plumbing Code is also available, free of charge, at the Internet address http://codes.iapmo.org.

4. All plumbing fixtures required in sections 2 to 115, inclusive, of this regulation must conform to the provisions of the Uniform Plumbing Code, as adopted by reference in subsection 1.

Sec. 35. *1. The following publications are hereby adopted by reference by the State Board of Health in the forms most recently published, unless the Board gives notice, in*

accordance with subsection 2, that the most recent edition or revision is not suitable for use in this State:

(a) American National Standard ANSI/AAMI ST79, "Comprehensive guide to steam sterilization and sterility assurance in health care facilities," of the Association for the Advancement of Medical Instrumentation. A copy of the standard may be obtained from the Association for the Advancement of Medical Instrumentation at the Internet address http://my.aami.org/store for the price of $200 for members and $346 for nonmembers.

(b) ASTM Standard F67, "Standard Specification for Unalloyed Titanium, for Surgical Implant Applications," of ASTM International. A copy of the standard may be obtained by mail from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address http://www.astm.org, at a cost of $45.

(c) ASTM Standard F136, "Standard Specification for Wrought Titanium-6Aluminum-4Vanadium ELI (Extra Low Interstitial) Alloy for Surgical Implant Applications," of ASTM International. A copy of the standard may be obtained by mail from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address http://www.astm.org, at a cost of $45.

(d) ASTM Standard F138, "Standard Specification for Wrought 18Chromium-14Nickel-2.5Molybdenum Stainless Steel Bar and Wire for Surgical Implants," of ASTM International. A copy of the standard may be obtained by mail from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address http://www.astm.org, at a cost of $45.

(e) ASTM Standard F754, "Standard Specification for Implantable Polytetrafluoroethylene (PTFE) Sheet, Tube and Rod Shapes Fabricated from Granular Molding Powder," of ASTM International. A copy of the standard may be obtained by mail from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19428-2959, by telephone at (610) 832-9585 or at the Internet address http://www.astm.org, at a cost of $40.

(f) ISO 5832-1, "Implants for surgery - Metallic materials - Part 1: Wrought stainless steel," of the International Organization for Standardization. A copy of the standard may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036, by telephone at (212) 642-4900 or at the Internet address http://www.webstore.ansi.org, at a price of $36 for members and $45 for nonmembers.

(g) ISO 5832-3 "Implants for surgery - Metallic materials - Part 3: Wrought titanium 6-aluminum 4-vanadium alloy," of the International Organization for Standardization. A copy of the standard may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036, by telephone at (212) 642-4900 or at the Internet address http://www.webstore.ansi.org, at a price of $54.40 for members and $68.00 for nonmembers.

(h) ISO 10993-1, "Biological evaluation of medical devices - Part 1: Evaluation and testing within a risk management process," of the International Organization for Standardization. A copy of the standard may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036, by telephone at (212) 642-4900 or at the Internet address http://www.webstore.ansi.org, at a price of $148.

(i) ISO 10993-6, "Biological evaluation of medical devices - Part 6: Tests for local effects after implantation," of the International Organization for Standardization. A copy of the standard may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036, by telephone at (212) 642-4900 or at the Internet address http://www.webstore.ansi.org, at a price of $129.60 for members and $162.00 for nonmembers.

(j) ISO 10993-10, "Biological evaluation of medical devices - Part 10: Tests for irritation and skin sensitization," of the International Organization for Standardization. A copy of the standard may be obtained from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036, by telephone at (212) 642-4900 or at the Internet address http://www.webstore.ansi.org, at a price of $167.20 for members and $209.00 for nonmembers.

(k) United States Pharmacopeia - National Formulary, published by the United States Pharmacopeial Convention. A copy of this publication may be obtained from the United States Pharmacopeial Convention, Customer Service Department, 7135 English Muffin Way, Frederick, Maryland 271704, or at the Internet address http://www.usp.org/store/products, for the price of $850.

2. The State Board of Health will review each edition or revision of the publications adopted by reference pursuant to subsection 1 to ensure its suitability for the State. If the Board determines that an edition or revision is not suitable for this State, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date on which the edition or revision was published, and give 30 days' notice of that hearing.

If, after the hearing, the Board does not change its determination, the Board will give notice within 30 days after the hearing that the applicable addition or revision is not suitable for this State within 30 days after the hearing. If the Board does not give such notice, the edition or revision shall be deemed part of the publication adopted by reference pursuant to subsection 1.

Sec. 36. *An invasive body decoration establishment must have a responsible person who is present during all hours of operation and any time an invasive body decoration procedure is being performed. The responsible person shall ensure that the establishment and all invasive body decoration operators associated with the establishment comply with the provisions of sections 2 to 115, inclusive, of this regulation.*

Sec. 37. *Except as otherwise provided in section 32 of this regulation, an invasive body decoration procedure must be performed at an invasive body decoration establishment which has been issued a permit. Except as otherwise provided in section 65 of this regulation, an invasive body decoration procedure must not be performed at a private residence or any other location used as living or sleeping quarters.*

Sec. 38. *An invasive body decoration operator must:*

1. Be at least 18 years of age; and

2. Not later than 10 days after beginning employment at an invasive body decoration establishment or assignment to duties relating to invasive body decoration procedures and annually thereafter, complete a program of training in the control of blood-borne pathogens in an establishment that complies with the requirements of 29 C.F.R. § 1910.1030 and is approved by the health authority.

Sec. 39. *An invasive body decoration operator shall not perform an invasive body decoration procedure:*

1. While he or she is suffering from any skin rash, sores, viral or bacterial infection or other illness that may be transmitted to a client during the procedure.

2. On a person who reasonably appears to be under the influence of alcohol or drugs.

3. Upon any skin, tissue, cartilage or mucosal surface which contains a rash, sore, infection or any other visible pathological condition.

Sec. 40. *An invasive body decoration operator shall wear clean clothes and maintain good personal hygiene when performing an invasive body decoration procedure.*

Sec. 41. *An invasive body decoration operator may, before beginning any invasive body decoration procedure, ask a client if he or she has a history of any blood-borne infectious disease.*

Sec. 42. *1. An invasive body decoration operator shall wash his or her hands and exposed portion of his or her arms in accordance with the provisions of subsections 2 and 3:*

(a) Immediately before performing an invasive body decoration procedure;

(b) During an invasive body decoration procedure, before handling any sterilized equipment; and

(c) As often as otherwise reasonably necessary during an invasive body decoration procedure to remove contamination or prevent cross-contamination.

2. Except as otherwise provided in subsection 4, to properly wash his or her hands and exposed areas of his or her arms, an invasive body decoration operator must:

(a) Thoroughly wash his or her hands and arms under warm running water by scrubbing his or her hands and arms with liquid soap for at least 15 seconds;

(b) Rinse his or her hands and arms thoroughly; and

(c) Dry his or her hands and arms with disposable paper towels.

3. Except as otherwise provided in subsection 4, handwashing must be done in a designated handwashing sink.

4. If an invasive body decoration establishment is equipped with an automatic handwashing facility or device that has been approved by the health authority, an invasive body decoration operator may use such a facility or device according to the manufacturer's instructions in lieu of the handwashing procedure prescribed in subsections 2 and 3.

Sec. 43. *1. An invasive body decoration operator shall wear gloves while performing an invasive body decoration procedure.*

2. Gloves worn during an invasive body decoration procedure must be disposable, single-use and labeled for surgical or examination purposes and must be used according to the manufacturer's recommendations.

3. An invasive body decoration operator must wash his or her hands pursuant to section 42 of this regulation before donning gloves.

4. If a glove is punctured or torn or becomes contaminated during an invasive body decoration procedure, the invasive body decoration operator shall, as soon as practicable, remove and properly discard the gloves, wash his or her hands pursuant to section 42 of this regulation and don new gloves.

5. If any instrument or other item becomes contaminated because a glove is punctured, torn or contaminated, that instrument or item must be replaced before resuming the invasive body decoration procedure.

6. Gloves must be discarded after each invasive body decoration procedure. A single pair of gloves must not be worn for more than one invasive body decoration procedure or in contact with more than one client.

Sec. 44. *An invasive body decoration establishment must maintain the following documentation on the premises of the establishment and present such documentation upon demand to the health authority:*

1. A list of all invasive body decoration operators who work at the establishment who worked at the establishment within the immediately preceding 2 years and which includes, for each such invasive body decoration operator:

(a) The full legal name of the operator;

(b) The date of birth of the operator;

(c) The residential address of the operator;

(d) The mailing address of the operator;

(e) The telephone number of the operator;

(f) A detailed description of the duties of the operator;

(g) Evidence satisfactory to the health authority that the operator has completed a program of training in the control of blood-borne pathogens as required by subsection 2 of section 38 of this regulation; and

(h) A record of the operator's Hepatitis B vaccination status, including, without limitation:

(1) A record of immunization against hepatitis B; or

(2) A statement signed by a licensed physician or the health authority which affirms serologic evidence of immunity to hepatitis B;

2. A log of each invasive body decoration procedure that has been performed in the establishment within the immediately preceding 2 years;

3. A copy of sections 2 to 115, inclusive, of this regulation;

4. An infection control plan for the establishment;

5. A copy of all aftercare instructions;

6. A client release form for each invasive body decoration procedure that has been performed in the establishment within the immediately preceding 2 years; and

7. If the invasive body decoration establishment performs extreme body modification in accordance with section 33 of this regulation, a record of each extreme body modification performed at the establishment within the immediately preceding 2 years that contains:

(a) The name, contact information and title of the medical professional who performed or supervised the extreme body modification;

(b) Evidence satisfactory to the health authority of the licensure of the medical professional who performed or supervised the extreme body modification;

(c) Evidence satisfactory to the health authority that the medical professional who performed or supervised the extreme body modification has insurance coverage deemed adequate by the health authority; and

(d) A checklist of the extreme body modification performed, including, without limitation, the date and time when the extreme body modification was performed, as completed by the medical professional who performed or supervised the extreme body modification.

Sec. 45. *1. An invasive body decoration establishment must obtain a completed and signed client release form from a client before performing an invasive body decoration procedure.*

2. Each client release form must be maintained securely on the premises of the establishment for at least 2 years pursuant to section 44 of this regulation.

3. A client release form must contain the following information:

(a) The full legal name of the invasive body decoration operator who will perform the invasive body decoration procedure;

(b) A description of the invasive body decoration procedure to be performed, including, without limitation, the type of procedure and the location on the body where the procedure is to be performed;

(c) The date on which the invasive body decoration procedure will be performed;

(d) An explanation that the invasive body decoration procedure should be considered permanent;

(e) The full legal name of the client;

(f) The date of birth of the client;

(g) The mailing or physical address of the client;

(h) The telephone number of the client;

(i) A copy of the photographic identification of the client;

(j) If the client is less than 18 years of age and is not an emancipated minor, a copy of the photographic identification and proof of custody or guardianship of the parent or legal guardian consenting to the invasive body decoration procedure;

(k) If the client is an emancipated minor, a certified copy of the decree of emancipation issued to the minor pursuant to NRS 129.080 to 129.140, inclusive; and

(l) The signature of the client or, if the client is less than 18 years of age and is not an emancipated minor, the parent or legal guardian consenting to the invasive body decoration procedure.

Sec. 46. ***1. Except as otherwise provided in subsection 3, an invasive body decoration establishment must not perform an invasive body decoration procedure on a client who is less than 18 years of age without the express in-person consent of a custodial parent or legal guardian.***

2. A parent or legal guardian who consents to an invasive body decoration procedure on behalf of a client pursuant to subsection 1 must show proof of custody or guardianship in the form of a certified birth certificate, court order granting custody guardianship or other satisfactory documentation, a copy of which must be retained by the establishment.

3. The provisions of subsection 1 do not apply to an emancipated minor who presents to the invasive body decoration establishment a certified copy of the decree of emancipation issued to the minor pursuant to NRS 129.080 to 129.140, inclusive.

4. Nothing in this section is intended to require an invasive body decoration operator to perform an invasive body decoration procedure on a person who is less than 18 years of age.

Sec. 47. *1. Written aftercare instructions regarding the proper care of the invasive body decoration must be provided to each client following the invasive body decoration procedure.*

2. Aftercare instructions must include, without limitation:

(a) The name, address and telephone number of the invasive body decoration establishment and the name of the invasive body decoration operator who performed the invasive body decoration procedure;

(b) A detailed description of how to care for the area of the body on which the invasive body decoration procedure was performed, including, without limitation, a description of any necessary cleaning and bandaging;

(c) Possible side effects from the invasive body decoration procedure;

(d) Directions on when to consult a physician, including, without limitation, signs of an infection or allergic reaction; and

(e) The expected duration for healing.

Sec. 48. *Any bandaging, gauze or other products applied to the area of the body on which the invasive body decoration procedure was performed must be single-use and manufactured for the sole purpose of wound care, cleaning or medical care.*

Sec. 49. *1. Eating, drinking and the use of tobacco products, vapor products or similar devices is prohibited within any area of an invasive body decoration establishment:*

(a) Which is designated as a procedure area; or

(b) In which contamination of clean work surfaces, equipment or instruments may result.

2. An establishment shall clearly indicate the areas of the establishment in which a person is authorized to eat, drink, use tobacco products, vapor products or similar devices, or

engage in any other activity which may result in the contamination of clean work surfaces, equipment or instruments.

3. As used in this section, "vapor product" has the meaning ascribed to it in NRS 202.2485.

Sec. 50. *1. Except as otherwise provided in subsection 4, a product applied to the skin before an invasive body decoration procedure is performed, including, without limitation, marking and transfer agents and pens, must be single-use and discarded into a waste container at the end of the procedure.*

2. All stencils must be single-use and disposable.

3. Single-use items must not be used on more than one client for any reason.

4. Any item designed and manufactured for reuse may be reused by an invasive body decoration establishment if the item is suitably disinfected.

Sec. 51. *Single-use items, including, without limitation, tongue depressors, ink cups, gauze, rubber bands, cord sleeves, razors and disposable towels, used during an invasive body decoration procedure must be stored in a covered container and must be discarded immediately after use.*

Sec. 52. *An invasive body decoration establishment must keep an adequate supply of clean towels and linens which must be:*

1. Stored in a closed cabinet; and

2. Laundered after each use.

Sec. 53. *1. Tables, counters, chairs and other work surfaces in the procedure area which may come into contact with an invasive body decoration operator or client during an*

invasive body decoration procedure must be cleaned and disinfected before and after the procedure, regardless of whether contamination is visible.

2. Disinfection must be performed:

(a) Using a disinfectant which is registered with the Environmental Protection Agency and which is effective against the human immunodeficiency virus, hepatitis B virus and Mycobacterium tuberculosis; and

(b) In accordance with the manufacturer's instructions, including, without limitation, contact time.

3. If an ink or pigment tray is used during an invasive body decoration procedure, the tray must be disinfected in the manner described in section 83 of this regulation after each invasive body decoration procedure for which it is used.

Sec. 54. *All chemicals which are stored within an invasive body decoration establishment must be labeled and properly stored in accordance with the manufacturer's instructions.*

Sec. 55. *All instruments and supplies stored in an invasive body decoration establishment must be stored in a clean, dry and covered container, compartment or location.*

Sec. 56. *The responsible person shall ensure that all inks, dyes and pigments used in an invasive body decoration establishment:*

1. Are commercially manufactured; and

2. Are not subject to any recall notice issued by the manufacturer, the United States Food and Drug Administration, the Commissioner of Food and Drugs or the health authority.

Sec. 57. *1. Inks, pigments, soaps and other products which are stored in multiple-use containers must be dispensed in a manner to prevent contamination of the storage container and its remaining contents through the use of a receptacle.*

2. Inks and pigments remaining in the receptacle must be discarded immediately upon completion of the invasive body decoration procedure and the receptacle must be disinfected after each use.

Sec. 58. *1. Only single-use needles and needle bars may be used for an invasive body decoration procedure.*

2. Single-use, presterilized needles and needle bars must be in a sealed package from the manufacturer, which has not been opened, is labeled as sterilized and includes an expiration date.

Sec. 59. *1. Needles, needle bars and grommets used during an invasive body decoration procedure are medical waste and must be discarded as a whole into an approved sharps container immediately upon completion of the procedure.*

2. Needle bars used during an invasive body decoration procedure must be disposed of in a sharps container in their entirety. The tip of a needle bar must not be removed from the needle bar.

3. A sharps container must be labeled with the words "SHARPS WASTE" or "BIOHAZARD" and include the universal symbol for biohazards.

4. A sharps container or its contents must be disposed of in accordance with section 93 of this regulation.

5. If a reusable sharps container is used, it must be cleaned and disinfected before reuse.

6. Disposable razors and tubes may be disposed of as standard waste.

Sec. 60. *A tattooing machine used in an invasive body decoration establishment must be designed with removable parts between the tip and motor housing in a manner that will prevent backflow into enclosed parts of the motor housing.*

Sec. 61. *Any part of a tattooing machine that an invasive body decoration operator may touch during an invasive body decoration procedure must be covered with a disposable plastic sheath. Upon completion of the invasive body decoration procedure, the plastic sheath must be discarded, the removable components sterilized and the motor housing disinfected.*

Sec. 62. *1. Except as otherwise provided in subsection 2, a hand tool used to insert pigment during an invasive body decoration procedure must be disposed of in a sharps container with the sharps intact.*

2. If the needle can be mechanically ejected from a hand tool, the needle alone may be ejected into a sharps container and the hand tool must be sterilized.

Sec. 63. *1. Jewelry to be placed in newly pierced skin must be sterilized before piercing or must be purchased presterilized in a sealed package.*

2. Sterile jewelry packs must be evaluated before use and, if the integrity of a pack is compromised, including, without limitation, being torn, wet or punctured, the pack must be discarded or the jewelry must be sterilized before use.

3. Jewelry must be in good condition and free of scratches and nicks, and any metals must have a consistent mirror finish.

4. All threaded or press-fit jewelry must have internal tapping or threading.

5. Jewelry to be placed in newly pierced skin or in a healing piercing must be made of metal, alloy, plastic, glass or other natural products, including, without limitation:

(a) Steel which meets the specifications set forth in the standards adopted by reference in paragraph (d) or (f) of subsection 1 of section 35 of this regulation;

(b) Inert metals, including, without limitation:

(1) Titanium which meets the specifications set forth in the standards adopted by reference in paragraph (b) or (c) of subsection 1 of section 35 of this regulation;

(2) Yellow or white gold which is solid, nickel-free and has a karat weight of at least 14 but not more than 18;

(3) Platinum which is solid and nickel-free; or

(4) Niobium;

(c) Fused quartz glass;

(d) Borosilicate which is lead-free;

(e) Soda-lime glass which is lead-free;

(f) High-density acrylic or plastics, including, without limitation:

(1) Tygon Medical Surgical Tubing S-50Hl or S-54HL;

(2) Polytetrafluoroethylene which meets the specifications set forth in the standard adopted by reference in paragraph (e) of subsection 1 of section 35 of this regulation; or

(3) Plastic material which meets the standards adopted by reference in paragraph (h), (i) or (j) of subsection 1 of section 35 of this regulation or which meets the class VI material classification standards set forth in the most current edition of the United States Pharmacopeia, as adopted by reference in paragraph (k) of section 35 of this regulation; or

(g) Any other material found to be equally biocompatible and approved by the health authority.

Sec. 64. *1. Any person must obtain written approval from the health authority before manufacturing needles in this State for use in tattooing, regardless of whether such needles will be sold or used in his or her own practice.*

2. To obtain approval, a person must submit a written plan and procedures for the complete manufacturing process to the health authority.

3. Only new, unused bars and needle tips and lead-free solder may be used in the manufacturing process.

4. Appropriate personal protective equipment must be worn during the manufacturing process.

5. All needles intended for sale or distribution must be:

(a) Sterilized and packaged in a sealed sterilization pack which is labeled with a sterilization and expiration date; or

(b) Marked as unsterilized.

6. The manufacturer of tattooing needles intended for distribution or sale pursuant to this section shall maintain a written record of all needles made and, if applicable, the lot number and sterilization and expiration date on the sterilization pack.

Sec. 65. *1. An invasive body decoration establishment may not be located in a private residence, including, without limitation, an apartment, condominium or other multifamily dwelling or a single-family dwelling, unless:*

(a) A dedicated exterior entrance to the establishment is provided;

(b) The areas used for conducting the operations of the establishment are physically separated from any living and sleeping quarters by walls;

(c) The areas used for conducting the operations of the establishment are not used as thoroughfares to access or move between the living areas; and

(d) The establishment can otherwise meet all applicable provisions of sections 2 to 115, inclusive, of this regulation.

2. If a permit is issued to a homeowner or resident allowing the operation of an establishment from a portion of a private residence, that portion of the residence shall no longer be considered part of the residence and shall be considered an invasive body decoration establishment, the operation of which is subject to the provisions of sections 2 to 115, inclusive, of this regulation, including, without limitation, those provisions requiring inspections.

Sec. 66. *1. Except as otherwise provided in this section, live animals, including, without limitation, therapy and comfort animals, birds and turtles, are not permitted on the premises of an invasive body decoration establishment.*

2. Except as otherwise provided in this subsection, the provisions of subsection 1 do not apply to:

(a) An aquarium maintained on the premises of an establishment;

(b) A service animal or service animal in training; or

(c) A police dog or a dog accompanying a security officer.

➥ Such animals are not permitted within a procedure area or sterilization room.

3. Sentry dogs may be permitted to run loose in an outside fenced area of an establishment, if any, for security reasons.

4. An invasive body decoration operator may not handle or care for any animals while on-duty at the establishment.

5. As used in this section:

(a) "Police dog" means a dog which is owned by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

(b) "Service animal" has the meaning ascribed to it in NRS 426.097.

(c) "Service animal in training" has the meaning ascribed to it in NRS 426.099.

Sec. 67. *An invasive body decoration establishment must have a waiting area that is separate from the procedure area, sterilization room and storage areas.*

Sec. 68. *1. At least one covered waste receptacle must be provided in the procedure area for disposal of contaminated waste products, except sharps.*

2. The waste receptacle may be open during an invasive body decoration procedure but must remain closed when the procedure area is not in use.

3. The waste receptacle must be durable, easily cleaned, resistant to insects and rodents, leak-proof and nonabsorbent.

Sec. 69. *1. The walls, floors, ceilings, tables, counters, chairs and other surfaces in the procedure area must be kept clean, disinfected and in good repair.*

2. Floors must be mopped daily using a disinfectant that is registered with the Environmental Protection Agency and which is effective against the human immunodeficiency virus, the hepatitis B virus and Mycobacterium tuberculosis.

Sec. 70. *1. The procedure area, sterilization room and storage area must be completely separate from any area used for lounging, food preparation or other such activities that may cause potential contamination of work surfaces.*

2. Separate areas must be used for cleaning equipment, wrapping or packaging equipment, and for the handling and storage of sterilized equipment.

Sec. 71. *1. The floors, walls, ceilings and attached equipment in the procedure area and sterilization room must be constructed of material that is smooth, nonabsorbent and easily cleaned.*

2. All surfaces in an invasive body decoration establishment, including, without limitation, counters, tables, equipment, chairs, recliners, shelving and cabinets in the procedure area and sterilization room must be made of material that is smooth, nonabsorbent and easily cleaned.

3. Exterior openings must provide protection against dust and other contaminants.

4. Public areas may, upon approval by the health authority, use alternative flooring.

Sec. 72. *Each work station in the procedure area must have at least 45 square feet of floor space.*

Sec. 73. *An invasive body decoration establishment must provide an area which may be blocked from public view for clients who request privacy.*

Sec. 74. *An invasive body decoration establishment must be well-ventilated.*

Sec. 75. *1. Lighting at each work station in the procedure area must provide at least 50-foot candles of light at the level where invasive body decoration procedures are being performed.*

2. In all other areas of the procedure area, light fixtures must be sufficient to allow an invasive body decoration operator to work comfortably and to visually inspect instruments, tools and materials to be cleaned or sterilized.

3. All overhead lights and lights used in the procedure area must be shielded or constructed of shatterproof materials.

Sec. 76. *1. An invasive body decoration establishment must have at least one stand-alone handwashing sink for every four work stations.*

2. Each handwashing sink must have hot and cold running water tempered by a mixing valve or combination faucet. Pump soap and disposable paper towels must be available at each handwashing sink.

3. Each handwashing sink must be conveniently located and easily accessible.

4. A bathroom sink, kitchen sink or sink used for the cleaning of instruments, tools and materials is not a handwashing sink for purposes of this section.

Sec. 77. *Each instrument cleaning sink, handwashing sink and, where provided, utility sink must be separate and must only be used for its designated purpose.*

Sec. 78. *Water must be supplied from a source approved by the health authority.*

Sec. 79. *Sewage, including, without limitation, liquid waste, must be discharged to a sanitary sewer or to a sewage system constructed, operated and maintained according to law.*

Sec. 80. *Refuse, excluding medical waste, must be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.*

Sec. 81. *1. The sterilization room must:*

(a) Be separated by a door or other enclosure from the procedure area;

(b) Be properly identified with signs that include the universal symbol for biohazard waste and secured to prevent unauthorized persons from entering; and

(c) Be equipped with at least one two-compartment sink with hot and cold running water for cleaning and disinfecting instruments.

2. The sterilization room must have distinct, separate areas for the cleaning of equipment, the wrapping and packaging of equipment, and the handling and storage of sterilized equipment.

Sec. 82. *All reusable instruments used during an invasive body decoration procedure must be:*

1. Washed and scrubbed in a sink to remove debris;

2. Disinfected as described in section 83 of this regulation;

3. Air-dried completely before being placed in sterilization packs; and

4. Sterilized as described in section 84 of this regulation.

Sec. 83. *1. Instruments used in an invasive body decoration procedure must be disinfected by soaking in an approved disinfectant or by the use of an ultrasonic cleaner.*

2. Any item that may be disassembled must be disassembled before disinfecting.

3. The disinfectant soak or use of an ultrasonic cleaner must be performed according to the manufacturer's instructions.

4. If an ultrasonic clean is used to disinfect instruments, the ultrasonic cleaner must be:

(a) Of sufficient size to fully submerge the largest instrument sterilized by the invasive body decoration establishment; and

(b) Covered during the cleaning process to minimize aerosolization of its contents.

5. After disinfecting, items must be air-dried before being stored in a clean place or before sterilization.

6. Furniture, fixtures, surfaces and instruments which cannot be submerged in liquid, including, without limitation, the motor housing of a tattoo machine, must be disinfected by manually wiping the surface with a disinfectant as described in section 53 of this regulation.

7. As used in this section, "ultrasonic cleaner" means any medical grade machine that uses ultrasonic wavelengths and aqueous solutions to remove contamination from instruments used in invasive body decoration procedures.

Sec. 84. *An invasive body decoration establishment must conform to the following sterilization procedures:*

1. Clean instruments to be sterilized must first be sealed in sterilization packs that contain a sterilizer indicator or internal temperature indicator; and

2. The outside of a sterilization pack must be labeled with the date on which it was sterilized and the initials of the person who operated the sterilizing equipment.

Sec. 85. *1. A sterilizer used in an invasive body decoration establishment must:*

(a) Be manufactured for the sterilization of medical instruments;

(b) Meet the specifications set forth in the standards adopted by reference in paragraph (a) of subsection 1 of section 35 of this regulation;

(c) Be tested using a commercial biological indicator monitoring system:

(1) After the initial installation;

(2) After any service or repair; and

(3) Once each month; and

(d) Be loaded, operated, disinfected and maintained according to the manufacturer's specifications

2. Before each use, the operator of the sterilizer must check the expiration date of the biological indicator monitoring system.

Sec. 86. *1. Biological indicator monitoring of a sterilizer used in an invasive body decoration establishment must be completed once each month by a laboratory certified by a person deemed acceptable by the health authority.*

2. The results of a biological indicator test must be maintained on the premises of the establishment for a minimum of 2 years after the date of the completed test.

3. If the laboratory results indicate any spore growth, a new biological indicator must be submitted to the laboratory for confirmation testing and the sterilizer may not be used until a negative growth spore destruction test result is provided by the laboratory.

4. Sterilization indicators are not a substitute for the monthly required spore testing required by this section.

Sec. 87. *A written log of each sterilization cycle must be retained on the premises of the invasive body decoration establishment for 2 years and must include, without limitation:*

1. The date of the load;

2. A list of the contents of the load;

3. The exposure time and temperature; and

4. For any cycles where the results of the biological indicator monitoring are positive, how the items were cleaned and proof of a negative test before reuse.

Sec. 88. ***Sterilized instruments must be stored in intact sterilization packs or in the sterilization equipment cartridge until they are used.***

Sec. 89. ***1. Sterile instrument packs must be evaluated at the time of storage and before use.***

2. If the integrity of an instrument pack is compromised, including, without limitation, if it is punctured, torn, damp or wet or contains any evidence of moisture contamination, the pack must be discarded or reprocessed before use.

3. A package is not considered sterile more than 3 months after the date of sterilization.

Sec. 90. ***1. An invasive body decoration establishment that does not perform on-site sterilization or does not have an area for the sterilization of instruments which is in compliance with sections 2 to 115, inclusive, of this regulation must only use instruments which are disposable, single-use and presterilized.***

2. Each package containing instruments used by an establishment described in subsection 1 must contain a sterilization indicator listed by the Food and Drug Administration and supplied by the manufacturer.

3. An establishment described in subsection 1 must keep and maintain on the premises of the establishment:

(a) A record of each purchase and use of all disposable, single-use and presterilized instruments for a minimum of 90 days after each such purchase and use; and

(b) A log of each invasive body decoration procedure which includes, without limitation:

(1) The name of the invasive body decoration operator and the client who received the invasive body decoration procedure;

(2) The date of the invasive body decoration procedure; and

(3) The instruments used to perform the invasive body decoration procedure.

Sec. 91. *A copy of the operational manuals for all sterilization and cleaning equipment used in the invasive body decoration procedure must be kept on the premises of the invasive body decoration establishment.*

Sec. 92. *1. Employees of an invasive body decoration establishment must wear gloves while cleaning, sterilizing and packaging instruments, and at all times in the sterilization room. Heavy duty, multipurpose gloves must be worn for cleaning instruments, and disposable gloves must be worn for sterilizing and packaging instruments.*

2. If a glove is punctured or torn or becomes contaminated while cleaning, sterilizing or packaging an instrument, or at any time in the sterilization room, the employee must immediately remove and properly discard the gloves, wash his or her hands pursuant to section 42 of this regulation and don new gloves.

Sec. 93. *1. Any waste generated during an invasive body decoration procedure that may release liquid blood or bodily fluids when compressed and all sharps are considered medical waste.*

2. Medical waste must be stored in a secured area, separate from other waste, that:

(a) Is locked or kept under direct supervision or surveillance to prevent unauthorized access;

(b) Is protected from the environment, insects and rodents; and

(c) Is clearly marked with warning signs that include the universal biohazard symbol and the following wording:

(1) "Caution - Biohazardous waste storage area - Unauthorized persons keep out"; and

(2) "Cuidado - Zona de residuous infectados - Prohibida la entrado a personas o autorizada."

3. Waste must be disposed of as follows:

(a) Except as otherwise provided in paragraph (b), all garbage, including medical waste, must be disposed of at least once every 7 days.

(b) Sharps must be disposed of within 30 days after the sharps container is full.

4. All medical waste must be stored, collected and disposed of in accordance with subsection 6 of NAC 444.662 and any applicable rules or regulations of the solid waste management authority. As used in this subsection, "solid waste management authority" has the meaning ascribed to it in NRS 444.495.

Sec. 94. *1. An invasive body decoration establishment must:*

(a) Develop, maintain and follow a written site-specific infection control plan to prevent the spread of infectious diseases at the establishment; and

(b) Review the infection control plan annually.

2. The infection control plan must include, without limitation:

(a) The invasive body decoration procedures performed in the establishment;

(b) Procedures for cleaning and disinfecting surfaces;

(c) Procedures for cleaning, disinfecting, packaging, sterilizing and storing reusable instruments and equipment;

(d) Procedures for protecting clean instruments and sterile instrument packs from exposure to dust and moisture during storage;

(e) A set-up and tear-down procedure for all invasive body decoration procedures performed in the establishment;

(f) Techniques and procedures to prevent the contamination of instruments, equipment, surfaces or the procedure area during an invasive body decoration procedure;

(g) Procedures for the safe handling and disposal of sharps and medical waste;

(h) The records required to be maintained by the responsible person to demonstrate that the infection control plan is properly operated and managed; and

(i) Any additional scientific data or other information, as required by the health authority, to support the determination that the infection control plan and the operations of the establishment are sufficient to protect the public health.

3. The infection control plan must be:

(a) Submitted to the health authority with the application for a permit to operate the establishment and when any change is made to the infection control plan; and

(b) Must be approved by the health authority.

4. The health authority shall approve an infection control plan that is sufficient to reasonably control the spread of pathogens in the establishment.

Sec. 95. *1. No person may operate a temporary or mobile invasive body decoration establishment unless the health authority has issued a valid permit to operate the temporary or mobile invasive body decoration establishment.*

2. A permit to operate a temporary or mobile invasive body decoration establishment may only be issued by the health authority for the purposes of education, trade shows, product demonstrations, special events or celebrations.

3. The location where a temporary or mobile establishment is operated must be approved by the health authority.

4. A permit to operate a temporary or mobile establishment:

(a) Must be posted in a conspicuous location.

(b) Is not transferable from person to person or place to place.

5. A temporary or mobile establishment must comply with all the requirements of sections 2 to 115, inclusive, of this regulation which are applicable to its operation.

6. The health authority may modify or augment the requirements of sections 2 to 115, inclusive, of this regulation as they apply to this section to ensure the public health. Such requirements may also be waived when, in the opinion of the health authority, no imminent health hazard will result.

Sec. 96. *1. An event coordinator must be designated for any event that will include more than one temporary or mobile invasive body decoration establishment or independent operator.*

2. In accordance with subsection 3, the event coordinator must submit an application for a permit and pay the fee according to the approved fee schedule established by the health authority.

3. Except as otherwise provided in this subsection, the event coordinator must submit the application and fee to the health authority for review at least 14 days before the date of the event. Late applications will be accepted up to 5 days before the date of the event, but will be assessed a late fee.

4. An event coordinator shall ensure that the event and all invasive body decoration operators associated with the event comply with the provisions of sections 2 to 115, inclusive, of this regulation.

Sec. 97. *A temporary invasive body decoration establishment must be operated completely within a permanent building or other enclosed facility that is not mobile.*

Sec. 98. *An invasive body decoration operator who is not employed at the invasive body decoration establishment listed on the application for a permit to operate a temporary or mobile invasive body decoration establishment must submit a separate application and fees for a permit, regardless of whether the operator will be working in the same establishment.*

Sec. 99. *The holder of a permit to operate a temporary or mobile invasive body decoration establishment must provide copies of all client release forms to the health authority before the end of the event or as requested.*

Sec. 100. *The holder of a permit to operate a temporary or mobile invasive body decoration establishment must:*

1. Have convenient access to handwashing facilities with pump soap, paper towels and hot and cold water under adequate pressure and tempered by a mixing valve or combination faucet;

2. Have wastewater disposal in accordance with local plumbing codes within the temporary or mobile establishment;

3. Have a minimum of 45 square feet of floor space within the procedure area;

4. Have at least 50-foot candles of light at the level where an invasive body decoration procedure is being performed;

5. Have the ability to properly clean and disinfect the procedure area and all surfaces;

6. Use instruments which:

(a) Are prepackaged and sterilized by a supplier deemed reputable by the health authority or a manufacturer and which will only be used once;

(b) Were packaged and sterilized before the event on the premises of an establishment pursuant to section 84 of this regulation and which will only be used once; or

(c) Will be sterilized at the event using a sterilization facility which has a sterilizer and evidence of a negative spore destruction test which was performed on the sterilizer within 30 days before the start of the event;

7. Maintain a copy of the client release form for each person who receives an invasive body decoration procedure performed during the event as required by section 45 of this regulation; and

8. Provide written and verbal aftercare instructions to a client after performing an invasive body decoration procedure as required by section 47 of this regulation.

Sec. 101. *The facility where a temporary invasive body decoration establishment will operate must be inspected by the health authority and a permit must be issued before an invasive body decoration procedure can be performed.*

Sec. 102. *1. An invasive body decoration procedure performed pursuant to this section must be performed only from an enclosed vehicle, including, without limitation, a trailer, mobile home or recreational vehicle.*

2. Except as otherwise provided in subsection 3, a mobile invasive body decoration establishment must only be used to perform invasive body decoration procedures, and no habitation or food preparation is permitted inside the establishment.

3. If the procedure area and any areas used for cleaning, storage and related tasks can be accessed by a dedicated entrance and are separated by floor-to-ceiling walls, other areas of the mobile establishment may be used for habitation or food preparation.

4. An invasive body decoration procedure must not be performed outside of the mobile establishment or outside of the procedure area.

5. The mobile establishment must be maintained in a clean and sanitary condition at all times.

6. The establishment must meet the following specifications:

(a) All doors must be tight-fitting.

(b) Windows that open must have tight-fitting screens. Material for screens must be at least 16 mesh to the inch.

(c) Walls and floors must be smooth and easily cleaned.

7. The water system in a mobile establishment must be approved by the health authority and must meet the following specifications:

(a) The water tank storage capacity must be identified and must be of sufficient capacity to furnish enough hot and cold running water under pressure to accommodate the cleaning of equipment and handwashing at all times of operation;

(b) The water inlet must be capped and must be located to avoid contamination by waste discharge, road dust, oil or grease;

(c) The water filler hose must:

(1) Be equipped with an approved vacuum breaker or check valve;

(2) Be of an approved material and stored with the ends connected or covered when not in use;

(3) Not be used for any purpose other than supplying potable water to the mobile establishment; and

(4) Be identified either by color coding or tagging;

(d) The water system must be operable under all climatic conditions, including subfreezing temperatures; and

(e) The water source must be approved by the health authority.

8. The mobile establishment must be equipped with a service sink and a separate handwashing sink for the exclusive use of the invasive body decoration operator for handwashing and preparing a client for procedures. The handwashing sink must be supplied with pump soap, hot and cold running water under pressure and tempered by a mixing valve or combination faucet and paper towels.

9. The wastewater system in a mobile establishment must meet the following specifications:

(a) All liquid wastes must be stored in an adequate storage tank with a capacity of at least 15 percent more than the capacity of the onboard potable water supply;

(b) The bottom of the storage tank must be sloped to drain;

(c) Liquid waste must be retained in the mobile establishment until emptied and flushed into an approved dump station, in a manner approved by the health authority;

(d) The contents of the storage tank must be gauged; and

(e) The storage tank must not have an outlet for overflow.

10. The service connections in a mobile establishment must meet the following specifications:

(a) All connections on the vehicle used for servicing the waste disposal facilities of the mobile establishment must be of a different size or type than those used for supplying potable water to the mobile establishment; and

(b) The waste connection must be located lower than the water inlet connection to prevent contamination.

Sec. 103. *Restroom facilities must be available within 200 feet from a temporary or mobile invasive body decoration establishment.*

Sec. 104. *1. Except as otherwise provided in sections 32 and 96 of this regulation, any person desiring to operate an invasive body decoration establishment must submit a written application for a permit to the health authority on forms approved by the health authority, at least 30 days before beginning operation. The application must include, without limitation:*

(a) The applicant's full name and contact information, including, without limitation, his or her telephone number, mailing address and electronic mail address.

(b) A statement specifying whether the applicant is a natural person, firm or corporation and, if the applicant is a partnership, the names and addresses of the partners.

(c) The location and type of proposed invasive body decoration establishment.

(d) The signature of each applicant.

(e) Any additional information that the health authority determines is reasonably necessary to protect the public health.

2. In addition to the information required by subsection 1, an application for a permit to operate a temporary or mobile invasive body decoration establishment must include, without limitation:

(a) The inclusive dates of the proposed event;

(b) The location of the event; and

(c) A statement of compliance with section 100 or 102 of this regulation, as applicable.

3. An application for a permit as an event coordinator must include, without limitation:

(a) The event coordinator's full legal name and contact information, including, without limitation, his or her telephone number, mailing address and electronic mail address;

(b) The inclusive dates of the proposed event;

(c) The location of the event;

(d) A layout of the event, including, without limitation, the location of all procedure areas, handwashing facilities, stations, power sources, restroom facilities, waste disposal areas and cleaning and sterilization areas; and

(e) A description of how waste, medical waste and sharps will be managed on-site and disposed of.

4. An applicant for a permit must submit the fee set forth in section 115 of this regulation, including a late fee, if applicable.

5. Upon receipt of an application, the health authority must conduct a full review of the application and evaluate all safety and source parameters as proposed. If the health authority

determines that the application complies with sections 2 to 115, inclusive, of this regulation, the health authority must issue a permit to the applicant and conduct an inspection of the establishment to determine compliance with the provisions of sections 2 to 115, inclusive, of this regulation.

6. A permit to operate a temporary or mobile invasive body decoration establishment may be issued for a period of not more than 14 consecutive days and may not be renewed.

7. A permit issued pursuant to this section is not transferable from person to person or from place to place.

Sec. 105. *1. A copy of the floor plan of an invasive body decoration establishment must be submitted at the time of application and must include, without limitation:*

(a) All proposed work stations and procedure areas;

(b) The proposed sterilization room;

(c) All proposed handwashing sinks and restrooms;

(d) The proposed waiting area and break area, if any;

(e) The location of all proposed floors, walls and light fixtures; and

(f) All proposed finish materials.

2. A copy of the floor plan must be submitted to and approved by the health authority before:

(a) The construction of an invasive body decoration establishment;

(b) The conversion of an existing structure for use as an establishment; or

(c) The remodeling of an establishment.

3. An applicant requesting the review of a floor plan must submit the fee set forth in section 115 of this regulation.

Sec. 106. *Before an invasive body decoration establishment may commence operations, the health authority must conduct one or more inspections to verify that the establishment is constructed and equipped in accordance with the approved plans and has established standard operating procedures as specified in sections 2 to 115, inclusive, of this regulation. The health authority may establish and collect a fee for such an inspection.*

Sec. 107. *Except as otherwise provided in subsection 6 of section 104 of this regulation, a permit to operate an invasive body decoration establishment:*

1. Is valid for 1 year after the date of issuance unless revoked by the health authority.

2. May be renewed annually by submitting a request for renewal and paying the fee set forth in section 115 of this regulation before the expiration of the permit. An establishment that submits a request for renewal or pays the fee after the expiration date of the permit must pay the late fee set forth in section 115 of this regulation.

Sec. 108. *The permit must be conspicuously displayed in the invasive body decoration establishment in a place and manner visible to customers of the establishment and must not be defaced or altered in any manner.*

Sec. 109. *1. Except as otherwise provided in subsection 2, an invasive body decoration establishment must immediately discontinue operations and notify the health authority if a substantial health hazard may exist because of an emergency, including, without limitation, a fire, flood, interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, the onset of an apparent outbreak of a blood-borne disease or skin infection or*

gross insanitary occurrence or condition, or other circumstance that may endanger the public health.

2. An establishment is not required to discontinue operations in an area of the establishment that is unaffected by the substantial health hazard if approved by the health authority.

3. If the operations of an establishment are discontinued pursuant to subsection 1, the permit holder must obtain approval from the health authority before resuming operations.

Sec. 110. *An invasive body decoration establishment shall permit any representative of the health authority, with proper identification, to enter the establishment at any reasonable time for the purpose of making any inspection to determine compliance with sections 2 to 115, inclusive, of this regulation. The health authority must be permitted to examine the documents and records of the establishment that are maintained as required by sections 2 to 115, inclusive, of this regulation.*

Sec. 111. *1. If an authorized representative of the health authority makes an inspection of an invasive body decoration establishment and discovers that any of the requirements of sections 2 to 115, inclusive, of this regulation have been violated, he or she shall notify the permit holder of the violations by means of an inspection report or other written notice which must:*

(a) Set forth the specific violations found;

(b) Establish a specific and reasonable time for the correction of those violations;

(c) State that failure to comply with the requirements of any notice issued in accordance with the provisions of sections 2 to 115, inclusive, of this regulation may result in immediate suspension of the permit; and

(d) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the health authority within the period established in the notice.

2. If a substantial health hazard exists in or on the premises of an invasive body decoration establishment, the health authority shall suspend the permit and the establishment must immediately cease operations unless the violation is immediately corrected or an approved alternative plan for continued operation can be arranged and approved while the health authority is on the premises.

Sec. 112. *1. An invasive body decoration establishment must remain in compliance with the requirements of sections 2 to 115, inclusive, of this regulation and all other state and local statutes, regulations and ordinances enforced by regulatory authorities, including, without limitation, the federal Occupational Safety and Health Administration, the Division of Industrial Relations of the Department of Business and Industry and local building officials.*

2. The health authority may revoke or suspend a permit upon notification of noncompliance by another regulatory agency if, in the opinion of the health authority, the violation poses a hazard to the public health.

Sec. 113. *1. The health authority may suspend a permit for failure of the permit holder or invasive body decoration operator to comply with any provision of sections 2 to 115, inclusive, of this regulation.*

2. If a permit holder or invasive body decoration operator has failed to comply with any notice issued under the provisions of sections 2 to 115, inclusive, of this regulation, the permit holder or operator must be notified in writing that the permit is, upon service of the notice, immediately suspended. The notice issued pursuant to this subsection must contain a statement informing the permit holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed by the permit holder or operator with the health authority.

3. A permit may be revoked without notice if the health authority determines that a substantial and immediate hazard to the public health exists.

4. Any person whose permit has been suspended may, at any time, submit a written request for a reinspection of the establishment. Within 10 days after receipt of a written request, including a statement signed by the applicant that in his or her opinion the conditions causing suspension of the permit have been corrected, the health authority must reinspect the establishment. If the health authority finds that the establishment is in compliance with the requirements of sections 2 to 115, inclusive, of this regulation, the permit must be reinstated.

5. For serious or repeated violations of any of the requirements of sections 2 to 115, inclusive, of this regulation or for interference with a representative of the health authority in the performance of his or her duties, a permit may be permanently revoked after an opportunity for a hearing has been provided by the health authority. Before taking such an action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising the permit holder of the requirements

for filing a request for a hearing. A permit may be suspended for cause pending a revocation hearing.

6. A hearing conducted pursuant to this section must be conducted by the health authority at a time and place designated by the health authority. Based upon the record of the hearing, the health authority shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written report of the decision of the health authority must be furnished to the permit holder by the health authority.

Sec. 114. *1. A person who has reason to believe that an action taken by the health authority pursuant to sections 2 to 115, inclusive, of this regulation is incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.*

2. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date of the informal discussion, submit a written request to the health authority for an informal conference. The informal conference must be scheduled for a date, time and place mutually agreed upon by the aggrieved person and the health authority, except that the informal conference must be held not later than 60 days after the date on which the health authority received the written request.

3. Except as otherwise provided in subsection 4, the determination of the health authority resulting from an informal conference cannot be appealed and is the final remedy available to the aggrieved person.

4. An applicant for or holder of a permit issued pursuant to sections 2 to 115, inclusive, of this regulation who is aggrieved by an action of the health authority relating to the denial of an application for or the renewal of a permit or the suspension or revocation of a permit may appeal that action with the Division in accordance with NAC 439.300 to 439.395, inclusive, after exhausting the informal procedures set forth in this section, except that the health authority may waive the informal procedures, or any portion thereof, by giving written notice to the aggrieved person.

Sec. 115. *1. Except as otherwise provided in subsection 2, the Division shall charge and collect fees for a permit to operate an invasive body decoration establishment in accordance with the following schedule:*

Invasive body decoration establishment:

Annual Permit.....$290

Exemption from Permit.....70

Late Fee.....50

Mobile invasive body decoration establishment:

Per permit.....$100

Late Fee.....50

Temporary invasive body decoration establishment:

Per permit.....$125

Late Fee.....50

Event Coordinator:

Per permit.....$100

Late Fee.....50

Review of floor plans pursuant to section 105 of this regulation.....$165

2. In an area of this State where the laws and regulations governing the operation of an invasive body decoration establishment are administered by a local board of health, the fees must be paid pursuant to those laws and regulations.

Sec. 116. 1. An invasive body decoration establishment that is in operation and that does not have a permit on the effective date of this regulation must submit an application for a permit within 30 days after the effective date of this regulation.

2. An invasive body decoration establishment described in subsection 1 will be subject to inspection by the health authority. An invasive body decoration establishment found to be out of compliance with the requirements of sections 2 to 115, inclusive, of this regulation will be given a plan of correction to comply with sections 2 to 115, inclusive, of this regulation. The health authority may allow such an establishment to continue to operate during the specified period of time allowed to achieve compliance with sections 2 to 115, inclusive, of this regulation.

3. As used in this section:

(a) "Health authority" has the meaning ascribed to it in section 10 of this regulation.

(b) "Invasive body decoration establishment" has the meaning ascribed to it in section 12 of this regulation.

(c) "Permit" has the meaning ascribed to it in section 18 of this regulation.