

Date

Address

Re: Body Art – California Health & Safety Code Section 119300 et seq.

Berkeley Municipal Code (BMC) Chapter 11.70

Dear Facility Operator/Owner/Practitioner/Contractor:

Effective July 1, 2012, California Health & Safety Code Section 119300 et seq. and the Berkeley Municipal Code Chapter 11.70 require the operators and practitioners engaged in the practice of body art tattooing, body piercing, permanent cosmetics, branding, and mechanical stud and clasp ear piercing (MS&CEP) submit the required registration and notification documents and obtain a health permit for opening a Body Art Facility in Berkeley.

Please complete the attached application and submit the required fees when filing the documents. If you have already paid the practitioner registration fees for 2012, just fill the required form to update our records. There is no need to pay another registration fee.

Note: Application will not be accepted without the fees and if the required documents are

**incomplete.** The current requirements and fees are as follow:

Type of Operator	Registra- tion Fee	Health Permit	Application Processing	One-Time Notification	Annual Fee January 1 –	Total Due
		Required	Fee (Admin.)	Fee	December 31	
Owner/Operator	\$44	Yes	\$182	N/A	\$366	\$592
Practitioner/Contractor	Yes	No		N/A	\$ 44	\$44
MS&CEP	\$44	No		Yes	N/A	\$44

If you have any questions about the law or how it applies to your body art facility, please contact us at (510) 981-5310. Thank you for your cooperation.

Sincerely,

Manuel M. Ramirez, REHS Manager of Environmental Health

Attachment: Application Forms



# Requirements for Registration of Permanent, Mobile and Temporary Safe Body Art Facilities Safe Body Art Act AB 300 & Berkeley Municipal Code (BMC) 11.70

The AB300 Safe Body Art Act, Article 3 Section 119306 and the Berkeley Municipal Code (BMC) Chapter 11.70 of Title 11 - Body Art and Body Piercing Facilities require operators and practitioners engaged in the practice of safe body art such as tattooing, body piercing, permanent cosmetics, branding or stud ear piercing to have an information document on-site and on-file with the Division of Environmental Health. This application will not be accepted until all applicable forms are completed and returned with the appropriate fees.

Fill all applicable forms pertaining to your facility and types of services provided. The forms are numbered and will also be available for download at www.ci.berkeley.ca.us/Health\_Human\_Services/Environmental Health/Tattoing,... **Complete and submit the following information on separate forms:** 

#### 1. Facility Information: Use Form # 003-12

List all facilities (including other Counties registered with) where you currently engage in the practice of Tattooing, Body piercing and other Safe Body Arts. Provide Legal Name of individual registering, street address. and phone numbers. Specify # of practitioners at each facility.

Each practitioner must file a separate application.

#### 2. Services & Types of Facilties:

Type of Service Provided:	□ Tattooing □ Body Piercing □ Permanent Cosmetics □ Branding □ Mechanical Stud and Clasp Ear Piercing (MS&CEP) □ Other
Type of Body Art Facility:	□ Body Piercing □ Permanent □ Temporary within a building □ Mobile Facility □ Sponsor □ Event Coordinator □ Other

#### 3. Applicant Information: Use Forms # 003-12

Provide proof of Hepatitis B Vaccination, **HEP B Instructions; HEP B Forms 006-008-12** Blood borne Exposure Control Training and photo ID

#### 4. Experience and Training: Use Form #004-12

Briefly describe your experience, training and qualification (include dates and locations). Provide proof/certificate. First time registrants require 6 months of related experience

#### 5. Registration, Applicable Fees & Health Permits:

Applicant Type & Forms	Annual Registration fee	Notification Fees	Temporary Event Fees	Annual Health Permit Fees	Expires December 31st
Practitioner	\$44			N/A	
Owner/Operator Contractor SB#002-12	\$44			\$366	
Temporary practitioner /owner fees (valid for no more than 7 days) SB#	\$44			To be determined	Expires on
Temporary Event Coordinator Fees SB#	N/A		To be determined	N/A	Expires on
Mobile Tattoo Facility SB#001-12	\$44		To be determined	To be determined	Expires on
Mechanical Stud & Clasp Ear Piercing (MS&CEP) SB# 005-12	N/A	\$44 one time fees		N/A	N/A

I, the undersigned individual, am the person responsible for implementation, administration and operation of the activities required to meet the requirements of AB300 Ma Safe Body Art Act, and BMC Body Art and Body Piercing Facilities Chapter 11.70 including reporting of information for this application. I declare under penalty of perjury the information on this application and in other materials submitted in support of this application is true and correct. I understand that submittal of incorrect information may result in penalties and site investigation fees.

Applicant's Name:	Signature: _	Date:
Fees Paid: Registration Yes □ No □	Office Use C	Proof Provided:  Blood Borne Pathogen Exposure  Training Yes □ No □
Health Permit Yes   No    Mechanical Stud & Clasp  Ear Piercing Notification Yes   No    Amount Paid:		Proof of Hepatitis B Vaccinations  Yes No Photo ID  Copies of documents obtained:  Yes No D  ID Cards Issued  Yes No D  Receipts Issued:  Yes No D
REHS comments:		
REHS Name:	-	

This form must be kept in the Applicant's and the Facility Files

#### **Body Art Act**

#### **Definitions**

**Body Piercing:** means the creation of an opening in a human body for the purpose of inserting jewelry or other decoration.......

**<u>Branding</u>**: means the process in which a mark or marks are burned into human skin tissue with a hot iron or other instrument, with the intention of leaving a permanent scar.

<u>Permanent Cosmetics</u>: means the application of pigments in human skin tissue for the purpose of permanently changing the color or other appearance of the skin. This includes, but is not limited to permanent eyeliner, eyebrow, or lip color.

**Sponsor:** means individual or business entity including event coordinator or manager responsible for the organization of a convention, trade show, or other temporary event that includes a body art demonstration booth. A sponsor may also be a body art practitioner.

**<u>Tattooing</u>**: means the insertion of pigment in human skin tissue by piercing with needle.

<u>Temporary Body Art Facility</u>: a temporary demonstration booth for no more than seven days in a 90 day period. The demonstration booth shall meet all of the following requirements of Section 119317:

- (a) Be <u>located within a building</u> that has hand washing facilities with <u>hot and cold running water</u>, soap, and single-use paper towels to which practitioners have direct access.
- **(b)** Constructed with a partition of at least three feet in height separating the procedure area from the public.
- (c) Be free of insect or rodent infestation.
- (d) Used <u>exclusively</u> for performing body art.
- (e) Equipped with adequate light available at the level where the practitioner is performing body art.
- (f) Equipped with hand washing equipment that, at a minimum, consists of containerized liquid soap, single-use paper towels, a five-gallon or larger container of potable water accessible via spigot, and a wastewater collection and holding tank of corresponding size. Potable water shall be refilled and the holding tank evacuated at least every four procedures or every four hours, whichever occurs first.
- (g) Not allow animals within the confines of the demonstration booth.

<u>Vehicle (Mobile Tattoo Facility)</u>: means a vehicle that has been fitted or designed to perform body art.

#### **Body Art Act**

#### Berkeley Municipal Code (BMC) Chapter 11.70

#### Section 11.70.030 Statutory provisions adopted.

California Health and Safety Code, Division 104, Part 15, Chapter 7 (Laws pertaining to Body Art) are adopted as part of this code.

#### Section 11.70.040 Body Art Establishments—Permit to operate required.

No person shall operate or cause to be operated any Body Art Establishment without obtaining a permit therefore issued by DEH.

#### Section 11.70.050 Body Art Establishments—Continuing inspection.

Upon issuance of a permit to operate a Body Art Establishment, the Environmental Health Manager shall establish a routine inspection program for that establishment to secure compliance with all applicable ordinances, statues and regulations.

#### Section 11.70.060 Body Art Establishments—Plan filing and inspection requirements.

No person shall begin construction, reconstruction or alteration of a Body Art Establishment without first submitting plans, specifications and such other information as may be required to determine compliance with this chapter and other applicable laws to DEH for review and written approval in advance of the issuance of any building, plumbing, or electrical permits for the facilities to be constructed, reconstructed or altered. The owner or his or her agent shall notify DEH at least one week in advance of operating.

#### Section 11.70.070 Body Art Practitioner-Registration required.

No person shall perform a body art procedure if he or she is not registered with DEH and has not paid all applicable fees. At establishments where the only Body Art procedures performed are Lower Ear Lobe Piercings, individuals that pierce the Lower Ear Lobe only using a mechanical device are not required to register as a Body Art Practitioner.

#### Section 11.70.080 Lower Ear Lobe Piercing Conditional Exemption.

"Lower Ear Piercing" for purposes of this Chapter means a piercing of the lower fatty area of the ear that does not contain cartilage by use of a mechanical device (e.g. piercing gun) with a single use sterile stud and clasp or a single use needle. All businesses, Body Art Establishments and Practitioners who only perform Lower Ear Lobe Piercing are exempt from the requirements of this Chapter provided they comply with the following:

- A. Provide notification on a form provided by DEH on the place and manner of the operation with a required processing fee, comply with state law and provided certification of the following:
  - 1. The mechanical ear-piercing instrument used is made from a material that can be disinfected after every use.
  - 2. The mechanical ear-piercing instrument will not be used in any other part of the body at any time.
  - 3. The mechanical ear-piercing instrument will not be used in any other part of the body at any time.
  - 4. Only sterile studs and clasps are used in the mechanical ear-piercing instrument and are not to be touched by or handled with bare hands.



#### APPLICATION FOR BODY ART OWNER/PRACTITIONER REGISTRATION

TO PERFMORM TATTOOING, BODY PIERCING, BRANDING, AND PERMANENT COSMETICS Pursuant to California Health and Safety Code, Chapter 7, Sections 119306 & 119307 and Berkeley Municipal Code Chapter 11.70

Last Names	Flord Names	841.d.d. 1
Last Name:		
Applicant Mailing Address:		
City/State/Zip:		
Applicant Phone #: ( )	E-mail:_	
Body Art Site Name (all locations):		
Body Art Site Address:		
City/State/Zip:	Site	e Phone #:
Please indicate the services you will be		ng □ Permanent Cosmetics ing □ Branding
First Time Registrant: ☐ Yes ☐ No	Identification (Age 18	B or older)?): □ Yes □ N
Identification Type:   □Drivers' Licen	se □Government ID	□ Other Specify
<b>Hepatitis B Vaccination Documentation</b>	n:   Certification of Comp	oleted Vaccination
□ Laborato	ory Evidence of Immunity	□ Vaccination Declination
Bloodborne Pathogen Training Proof A	vailable: □ Yes □	No
Training Provider:	Approved Trainer : 🗆 Y	es □ No Training Date:
Please note that submittal of this a Owner/Prac	pplication does not constituctioner Registration Certification	
The undersigned hereby applies for a Boopenalty of perjury that to the best of my knand accurate. I understand that to become services in the City of Berkeley, I must parapplicable law. I also agree to conform to California Health and Safety code and/or	nowledge and belief, the info ne and remain registered ar y the annual registration fe o all conditions, orders, and	formation I have provided is true and eligible to provide Body Art e established by the City under
Print Name:  ELP1:BodyArtPermitApplication	Signature:	Date: Effective: 7/1/12



#### **BODY ART OWNER/PRACTITIONER PROOF OF EXPERIENCE LETTER**

Article 3, Section 119306 of the Safe Body Art Act requires as a condition of registration, that first-time registrants provide documentation experiencing a minimum of six months of related experience. The local enforcement agency may require documentation that includes, but is not limited to dates, type and location of work, and the name and contact information of the registrant's supervisor of supervisors.

The section must be completed by Body Art Owner/Practitioner Applicant This section must be completed by the Supervisor, Trainer, or Qualified Witness verifying and applicant's experience: Last Name: \_\_\_\_\_ First: \_\_\_\_ Middle: \_\_\_\_ Phone #:\_\_\_\_ E-mail: Mailing Address: Body Art Owner/Practitioner Registration #\_\_\_\_\_ Body Art Facility Name: \_\_\_\_\_ Dates and times which you are verifying as the applicant's experience practicing Body Art From: \_\_\_\_\_ To: \_\_\_\_ To: \_\_\_\_\_ To: \_\_\_\_ To: \_\_\_\_ To: \_\_\_\_ To: \_\_\_\_ To: \_\_\_\_ To: \_\_\_\_ To: \_\_\_\_\_ To: \_\_\_\_\_\_ To: \_\_\_\_\_\_ To: \_\_\_\_\_ To: \_\_\_\_\_ To: \_\_\_\_\_\_ To: \_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_\_ To: \_\_\_\_\_\_\_\_\_ To: Times: \_\_\_\_\_ Times: \_\_\_\_ Times Times: \_\_\_\_ Times: Additional Comments regarding your Experience: r verify that Mr/Ms/Mrs Name: \_\_\_\_\_\_ has experience practicing body art at a health-regulated business located at address: \_\_\_\_\_ for the purpose of gaining experience of the purpose of t gaining experience to become a body art practitioner. I declare under penalty of perjury that the best of my knowledge and belief the statements made herein are correct and true. Supervisor/Trainer/Witness Name (Print): Supervisor/Trainer/Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

FOR OFFICE USE ONLY

Approved by: Approval Date: Record ID:

:BodyArtPermitApplication Effective: 7/1/12



#### **Mechanical Stud and Clasp Ear Piercing Notification**

Completion of this form will constitute compliance with the California Health and Safety Code, Chapter 1, Article 7, Section 119325. It is not intended in full or in part to fulfill requirements for Registered Body Artists or Facilities as set forth in Section 119300 through 119324 of the California Safe Body Art Act.

Please see reverse side for sanitation, jewelry, practitioner, and notification requirements.

1 10000 000 1000100 0100 101	samtation, jeweny, practitioner,	and notinedition requiremen	
Owner's Name(s):			
Mailing Address:			
Business Phone:	Other Phone:	Fax:	
Business Name (DBA):			
List addresses of all business location contact name and phone number for additional sheets as needed:	, ,	, ,	
Location #1:			
Contact Name:		Phone:	
Location #2:			
Contact Name:			
Location #3:			
Contact Name:			
The Mechanical Stud and Clasp Ear requirements of Article 7 of the Safe Please advise the Division of Environ billing address, or contact information	Body Art Act and Berkeley I nmental Health of changes i	Municipal Code (BMC) C	hapter 11.70.
Signature(s)	Print Name & T	<u>itle</u>	<u>Date</u>
	For Office Use Only		<del> </del>
Fees:Paid by: □ Cash □ 0		Receipt Provided:	
MS&CED Notification Letter		Effective: 7/1/12	

:MS&CEP Notification Letter Effective: 7/1/12

#### Mechanical Stud and Clasp Ear Piercing Notification-Summary

The following is a summary of pertinent sections of the California Safe Body Art Act and Berkeley Municipal Cod (BMC) for Mechanical Stud and Clasp Ear Piercing facilities. Please note this summary is applicable ONLY for piercing ears with a single-use, pre-sterilized stud and clasp device. Piercing of any other part of the body and/or using any other type of manual or automatic device must fulfill additional practitioner registration and facility permit requirements not contained in this document or Notification Form.

California Health and Safety Code, Chapter 1, Article 7, Sections 119325 & 119326 (excerpted) and BMC Chapter 11.70 Sections 11.70.070 & 11.70.080 referenced in the definition of the Registration Form-002-12.

#### Section 119325:

- (b) The area within a facility where mechanical stud and clasp ear piercing is conducted shall be safe and sanitary and shall not constitute a threat to the public health and safety, as reasonably determined by the local enforcement agency.
- (c) Mechanical stud and clasp device shall be single-use, presterilized, stud and clasp only.
- (d) The single-use stud and clasp device used to pierce and ear pursuant to this article shall meet all of the jewelry requirements in subdivisions (a) and (b) of Section 119310.

#### Section 119310:

- (a) jewelry shall be sterilized or purchased presterilized. Sterilized packs shall evaluated before use and if packaging is found to be compromised (including including but not limited to being torn, wet, or punctured), discarded or reprocessed before use.
- (b) Jewelry must meet the following standards, or made of other materials found to be equally biocompatible:
- ASTM F138, ISO 5832-1, and AISI 316L or AISI 316LVM implant grade stainless steel
- Solid 14-karat through 18-karat yellow or white gold
- Niobium, ASTM F 136 6A4V titanium, platinum

#### **Section 119326:**

- (a) The local enforcement agency may require a facility that provides mechanical stud and clasp ear piercing services to submit a notification form (provided by agency) including:
  - (1) The address of all facilities where service will be performed...
  - (2) A statement that the MSCEP will be conducted in compliance with the requirements of this article...
  - (3) The contact information for the person responsible for compliance with this article...

#### **Section 119327:**

- (a) A person piercing an ear with a mechanical stud and clasp piercing device shall meet the following requirements before providing the mechanical stud and clasp piercing services:
- (1) Is at least 18 years of age.
- (2) Received one hour of training that covers all of the following topics:
- (A)Proper use of the mechanical stud and clasp device.
- (B) Types of bloodborne pathogens and the prevention of the transmission of bloodborne communicable diseases.
- (C) Proper hand hygiene.
- (D) The safe and sanitary us of single-use equipment, including, but not limited to, gloves, towels, and disinfectant wipes.
- (3) If the person will also be piercing the cartilage of the upper ear, that person shall also receive training on proper techniques for this type of piercing.

#### **VOLUNTARY HEPATITIS B VACCINATION PROCEDURES**

#### **EMPLOYEES' PROCEDURES**

- a. Arrange the vaccination with your health care provider.
- b. The vaccination is given at no cost to the employee (no deductible or copayment); voluntary vaccinations may be obtained during work hours.
- c. After each injection, the doctor or nurse will complete a vaccination record for you. The department requires proof within one year from the date on the intent form.
- d. Upon completing the HBV series of three (3) injections, send the completed vaccination record to designated department.
- e. Employees are responsible for making a copy for their records.
- f. If the vaccination series of three injections were started but not completed, the employee shall send the incomplete vaccination card to designated department with a signed Declination form.
- g. If an employee initially declines the HBV vaccination but at a later date, while still covered under the standard, decides to accept the vaccination, the vaccination shall then be made available.

#### **VOLUNTARY HEPATITIS B VACCINATION PROCEDURES**

#### \*EMPLOYERS'/ SUPERVISOR PROCEDURES WITH EMPLOYEES

- 1. Supervisor shall provide the following to all new employees within 10 working days of initial assignment to a job where occupational exposure may take place:
- Employers are required to make available the Hepatitis B vaccination series to all
  employees who have occupational exposure, and post-exposure evaluation and
  follow-up to all employees who have had an exposure incident. The vaccination
  is at no cost to employees and employees may obtain the vaccination during
  work hours.
- 3. Employer must arrange with health care providers to provide the HBV vaccination at no cost to the employee.
- 4. Conduct training addressing the Bloodborne Pathogens Standard (general explanation of epidemiology, HBV vaccination, at-risk employees, methods of transmission, procedures of universal precautions and the Exposure Control Plan).

### Statement of <u>Intent</u> to Obtain Hepatitis B Vaccine

I have received the risks/benefit sheet about Hepatitis B vaccine and have had the opportunity to review that information. I understand that, although the vaccine has been shown to be very effective, complete protection cannot be guaranteed. I understand that the vaccine is given as a series of three injections and that I should receive all three.

I wish to receive the Hepatitis B vaccine and will contact my plan provider.

I have received a copy of the Exposure Control Plan. I have been advised of the availability of Personal Protective Equipment.

Name:	Date:	
Work Location:		
Job Classification:		

# Statement of <u>Declination</u> to Receive Hepatitis B Vaccination,

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself.

However, I decline Hepatitis B vaccination at this time. I understand that by declining this vaccine I continue to be at risk of acquiring Hepatitis B, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potentially infectious materials and want to be vaccinated with Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

I have reviewed information about my risk related to Hepatitis B and the vaccine, and I do not wish to receive the Hepatitis B vaccine.

I have received a copy of the Exposure Control Plan.
I have been advised of the availability of Personal Protective Equipment.

Name:	Date:	
Work Location:		
Job Classification:		

## Statement of <u>Declination</u> to Receive Hepatitis B Vaccination, Vaccination Already Received

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine, at no charge to myself.

I have already received my Hepatitis B vaccination.

Employer Name: \_\_\_\_\_\_

Employer Address: \_\_\_\_\_\_

Department/Unit: \_\_\_\_\_\_

Telephone: \_\_\_\_\_\_ Fax: \_\_\_\_\_\_

Date of Vaccination: \_\_\_\_\_\_

I have received a copy of the Exposure Control Plan.
I have been advised of the availability of Personal Protective Equipment.

Employee's Name: \_\_\_\_\_\_

Employee's Signature: \_\_\_\_\_\_

Department/Unit: \_\_\_\_\_\_

Job Classification: \_\_\_\_\_\_

Date Signed:



#### Safe Body Art Act (SBAA) Checklist

#### A. Form:

- Completed & Signed Application (Must Complete Form # 002-12)
- Facility Owner/Operator/Contractor (circle one)
- Practitioner

#### B. Type of Body Art Facility:

- Permanent
- o Temporary (within a building only) not to exceed 7 days
- Mobile Facility (vehicle)
- Sponsor
- Coordinator

#### C. Type of Service Provided:

- o Tattooing
- o Body piercing
- Permanent Cosmetics
- Branding
- Mechanical Stud and Clasp Ear Piercing (MS&CEP)
- Other

#### D. Fees:

- Registration fees
- Notification Fees for MS&CEP
- Other fees

#### E. Identification documents:

- Photo Identification
- Proof of Blood borne Exposure Training
- o Proof of Hepatitis Vaccination

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Comments:	



# BODY ART HEALTH PERMIT APPLICATION

MR Customer ID #
Category Code #:
Facility #:

Health, Housing & Community Services Environmental Health Division

Name of Facility or Sponsoring Organization:				Effective Date:	
					Census Tract:
Facility Address:				Facility Phone:	
					Type of Permit:
Facility Owner or Proprietor:	Н	ome Phone:		Cell Phone:	1. New
					2. Established
	E	mail:			3. Temporary
11		011 101 11 17			
Home Address or Central Office	;e:	City/State/Z	zip:		Type of Change:
					1. New 2. Proprietor
Owner or Agent of Building:	Building Agent	's Address:		Phone:	3. Name and Proprietor
					4. Other
Type of Facility:					5. Not Applicable
Perm	anent M	obile	Tempora	iry	
Type of Service:					PERMIT FEE
□Tattoo	☐ Body Pier				Annual Fee: Prorated Fee:
☐ Branding	☐ Permaner	nt Cosmetics		ther	Processing Fee:
Type of Fees: Non-refundable			l is	of Practitioners	— Total:
☐ Health	n Permit 🔲 🛭	Practitioner	<u> </u>	1 - 5	Paid: Cash Check#
6-10				Officer #	
☐ Facility Owner/Contractor 11 and above					
Proof of Certificate and Trainin	_				
<u> </u>	itis B Vaccinatio	_		Pathogen Exposure	
☐ Exper	rience and Traini	ng 🗆 Ph	noto ID		
		For Off	ice Use	Only	
ALL BUSINESSES	FOR F	STABLISHED			
<u> </u>	heck Boxes			Write Former List	ings For
	dicating Changes			Any Changes Sc	_
	ange of Facility Nar	ne		<b>,</b>	
☐ Business ☐ Cha	ange of Proprietor				
	New Change of Name and Proprietor Business Other				
		·			
Remarks:					
Date Permit Issued:	F	Registered Env	vironmental	Health Specialist (REHS)	:
ELP1:BodyArtPermitApplic	ation				Effective: 7/1/12

#### **IDENTIFICATION CARD:**

Driver's License:	
Сору	
Date Issued:	Date Expires:
HEP B:	Type: Operator
	Practitioner
	Contractor