

DIVISION OF PUBLIC & BEHAVIORAL HEALTH
Regulatory and Planning Services
Environmental Health Section
LCB File No. R112-16

Informational Statement per NRS 233B.066

1. There is a high risk of contracting skin infections, bloodborne diseases, and other communicable diseases during Invasive Body Decoration procedures performed in unregulated and potentially insanitary establishments. These regulations will provide oversight of these establishments, with the intent to reduce the risk of bloodborne disease and skin infection among patrons and operators by enforcing sanitary practices in all Invasive Body Decoration establishments within Nevada.
2. The Division of Public and Behavioral Health held two public workshops to solicit comments from industry and the public. In addition, small business impact statement questionnaires were sent to 13 rural operators before each workshop. In summary, the sole response received from the public was focused on the 14-day limit the proposed regulations require. Interested persons may obtain a copy of the public response details through the Nevada Division of Public and Behavioral Health – Environmental Health Section either in person, by mail, or by calling 775-687-7533.
3. The agency did not receive any written statements regarding the proposed regulations from industry or the public during the workshops that were held. Public comment was received as indicated above; however, the contact information of the individual was not provided to the agency conducting the workshops.
4. Public comment was solicited through an initial phone survey with operators of existing Invasive Body Decoration establishments in Elko, Lyon, and White Pine Counties. Public workshops were also conducted on July 19, 2016 and October 18, 2016. Interested persons may obtain a copy of the industry response details through the Nevada Division of Public and Behavioral Health – Environmental Health Section either in person, by mail, or by calling 775-687-7533.
5. The agency considered the sole public comment, and the regulation was adopted without changing any part of the proposed regulation that was presented during the October 2016 public workshop. In summary, the regulation was adopted without change after the agency determined that imposing the 14-day limitation would best protect the public health by ensuring that these operations are locatable for inspections in order to verify compliance before each event in which the Invasive Body Decoration procedures are to be provided to the public.
6. Anticipated effects on the business which amendments to NAC 444 will regulate:

Adverse effects: It is not expected that these regulations will have significant adverse impact upon small businesses operating from brick-and-mortar establishments.

Traveling mobile establishments may obtain additional permits if the 14 day maximum needs to be exceeded.

Beneficial: Proper oversight of the industry will result in better protection of the public health and improved business operations by reducing the number diseases that may be contracted through the Invasive Body Decoration procedures. The benefit to the time restriction on the traveling mobile permits is to ensure that the public safety is preserved. Mobile operations would have to notify the health authority of the event location and timeframe ahead of time to allow for guidance to be provided in advance and onsite inspections to occur during the event.

Immediate: Existing establishments will have to submit an annual permit fee of \$290 to obtain a permit; fees assessed by operators at special events will be variable depending on the number of events attended per year.

Long-term: Annual permit fees; costs associated with compliance schedules established with the facility operator(s) and the health authority to ensure compliance with the amendments to NAC 444.

Anticipated effects on the public:

Adverse: None.

Beneficial: Improved public health protection through proper industry oversight, reduced infections, and prevention of disease transmission from Tattoo, Piercing, and other forms of Invasive Body Decoration procedures that are provided to consumers in Nevada.

Immediate: Prevention of Illness and Disease.

Long-term: Prevention of Illness and Disease.

7. The estimated cost to the agency for enforcement of the proposed regulation will be covered through licensing fees: \$290 annual permit fee for each Invasive Body Decoration establishment license. In addition, a \$100 licensing fee is required for Mobile Invasive Body Decoration units, and a \$150 licensing fee is required for Temporary Invasive Body Decoration establishments.
8. Currently, the Southern Nevada Health District, Washoe County Health District, and Carson City Health and Human Services have local codes in place for Invasive Body Decoration or Body Art Establishments. Approval of the proposed regulations will act as a baseline for the

entire state as well as the primary regulations for establishments located outside of the above health jurisdictions.

9. Federal regulations are currently not in place for the Invasive Body Decoration industry.
10. The regulations proposed an annual licensure fee of \$290 for Invasive Body Decoration establishments. The regulations also propose a \$100 permit fee for a Mobile Invasive Body Decoration unit, and a \$150 permit fee for Temporary Invasive Body Decoration establishments. All fees collected will be used to fund the regulatory program, including inspections and educational opportunities. The annual funds to be collected for the above program will total at least \$3,770.00 as the agency has 13 establishments within jurisdiction that are currently in operation. This amount will increase based on the number of mobile units and temporary establishments permitted each year by the agency. At this time, it is estimated that the fees collected will total approximately \$6000 - \$8000.

NOTE: The Informational statement is essential. If this statement is not included with the final regulations or is incomplete or inaccurate, LCB will return the regulation to the agency. Unless a statement is supplied, the LCB will not submit the regulation to the Legislative Commission, and the regulation never becomes effective (NRS 233B.0665).