

**PROPOSED REGULATION OF
THE STATE BOARD OF HEALTH**

LCB File No. R112-16

June 27, 2016

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

*Invasive Body Decoration Draft Regulations
Table of Contents*

GENERAL PROVISIONS

<i>Section 1.</i>	<i>Definitions.</i>
<i>Sec. 2.</i>	<i>“Aftercare instruction” defined.</i>
<i>Sec. 3.</i>	<i>“Apprentice” defined.</i>
<i>Sec. 4.</i>	<i>“Client” defined.</i>
<i>Sec. 5.</i>	<i>“Contamination” defined.</i>
<i>Sec. 6.</i>	<i>“Disinfectant” defined.</i>
<i>Sec. 7.</i>	<i>“Disinfection” defined.</i>
<i>Sec. 8.</i>	<i>“Division” defined.</i>
<i>Sec. 9.</i>	<i>“Glove” defined</i>
<i>Sec. 10.</i>	<i>“Hand sink” defined.</i>
<i>Sec. 11.</i>	<i>“Health authority” defined.</i>
<i>Sec. 12.</i>	<i>“Infection control plan” defined</i>
<i>Sec. 13.</i>	<i>“Invasive body decoration” defined.</i>
<i>Sec. 14.</i>	<i>“Invasive body decoration establishment” defined.</i>
<i>Sec. 15.</i>	<i>“Invasive body decoration operator” defined.</i>
<i>Sec. 16.</i>	<i>“Jewelry” defined.</i>
<i>Sec. 17.</i>	<i>“Medical waste” defined.</i>
<i>Sec. 18.</i>	<i>“Permit” defined.</i>
<i>Sec. 19.</i>	<i>“Person” defined.</i>
<i>Sec. 20.</i>	<i>“Permanent makeup” defined.</i>
<i>Sec. 21.</i>	<i>“Piercing” defined.</i>
<i>Sec. 22.</i>	<i>“Premises” defined.</i>
<i>Sec. 23.</i>	<i>“Pre-sterilized instruments” defined.</i>
<i>Sec. 24.</i>	<i>“Procedure area” defined.</i>
<i>Sec. 25.</i>	<i>“Responsible person” defined.</i>
<i>Sec. 26.</i>	<i>“Sharps” defined.</i>
<i>Sec. 27.</i>	<i>“Sharps container” defined.</i>
<i>Sec. 28.</i>	<i>“Single-use” defined.</i>
<i>Sec. 29.</i>	<i>“Stencil” defined.</i>
<i>Sec. 30.</i>	<i>“Sterilization” defined.</i>
<i>Sec. 31.</i>	<i>“Sterilizer” defined.</i>
<i>Sec. 32.</i>	<i>“Tattoo” defined.</i>

- Sec. 33. “Ultrasonic cleaner”*
- Sec. 34. Severability.*
- Sec. 35. Exemption from requirements.*
- Sec. 36. Extreme body modification: definition and prohibition.*
- Sec. 37. Adoption by reference of Uniform Plumbing Code.*

MANAGEMENT AND PERSONNEL

- Sec. 38. Assignment; responsible person required.*
- Sec. 39. Invasive body decoration operator; age restriction.*
- Sec. 40. Operator health.*
- Sec. 41. Handwashing required by invasive body decoration operators.*
- Sec. 42. Handwashing procedure.*
- Sec. 43. Handwashing: where allowed.*
- Sec. 44. Gloves required; when to change.*
- Sec. 45. Clothing.*
- Sec. 46. Client health: disclosure.*
- Sec. 47. Client health: requirements.*
- Sec. 48. Documentation required.*
- Sec. 49. Client release forms required.*
- Sec. 50. Client release form: retention and contents.*
- Sec. 51. Client: identification and age requirements, guardian consent required.*
- Sec. 52. Aftercare instructions required; contents.*
- Sec. 53. Bandage materials.*
- Sec. 54. Eating, drinking or using tobacco.*

EQUIPMENT

- Sec. 55. Single-use instruments required*
- Sec. 56. Single-use items: storage and disposal.*
- Sec. 57. Equipment design and construction.*
- Sec. 58. Linens.*
- Sec. 59. Equipment disinfection*
- Sec. 60. Instrument storage*
- Sec. 61. Labels required.*
- Sec. 62. Inks and pigments.*
- Sec. 63. Protection of multiple-use containers.*
- Sec. 64. Needles and needle bars; requirements.*
- Sec. 65. Sharps disposal.*
- Sec. 66. Tattoo machine: sheath required.*
- Sec. 67. Tattoo machine: design*
- Sec. 68. Hand tool: disposal.*
- Sec. 69. Jewelry: requirements.*
- Sec. 70. Tattoo needle manufacturing.*

PHYSICAL FACILITIES

- Sec. 71. Private homes, residences and premises.*
- Sec. 72. Animals on premises prohibited; exceptions*
- Sec. 73. Waste receptacle: required, location, design.*
- Sec. 74. Floors, walls, and ceilings.*
- Sec. 75. Prevention of contamination.*
- Sec. 76. Floors, walls, ceilings: design, construction, and installation.*
- Sec. 77. Space required.*
- Sec. 78. Privacy.*
- Sec. 79. Ventilation.*
- Sec. 80. Light intensity.*
- Sec. 81. Light bulbs: Required shielding*
- Sec. 82. Handwashing sinks.*
- Sec. 83. Waiting area required.*
- Sec. 84. Sinks: designations and restrictions on use.*
- Sec. 85. Potable water.*
- Sec. 86. Sewage disposal.*
- Sec. 87. Designated areas required.*
- Sec. 88. Sterilization room requirements.*
- Sec. 89. Refuse storage and disposal.*

STERILIZATION AND DISINFECTION

- Sec. 90. Operational manual required.*
- Sec. 91. Sterilization procedures.*
- Sec. 92. Sterilizer loading and specifications.*
- Sec. 93. Biological indicator monitoring required.*
- Sec. 94. Sterilization logs required.*
- Sec. 95. Sterilized instrument storage.*
- Sec. 96. Sterilized instrument evaluation.*
- Sec. 97. When sterilizer not required; documentation of alternative procedures.*
- Sec. 98. Reusable instruments: cleaning and sterilization required.*
- Sec. 99. Gloves required during cleaning.*
- Sec. 100. Disinfection required; procedures.*
- Sec. 101. Air drying required.*
- Sec. 102. Sterilized equipment expiration.*
- Sec. 103. Medical waste disposal.*
- Sec. 104. Medical waste segregation and containment.*
- Sec. 105. Medical waste storage area labeling.*
- Sec. 106. Medical waste transportation.*
- Sec. 107. Sharps segregation and storage.*
- Sec. 108. Sharps container labeling required.*
- Sec. 109. Infection control plan: prior approval required.*
- Sec. 110. Infection control plan: Required contents.*

TEMPORARY & MOBILE PERMIT REQUIREMENTS

- Sec. 111. Applicable requirements; location of operation.***
- Sec. 112. Permit to operate required; posting.***
- Sec. 113. Event coordinator required.***
- Sec. 114. Temporary event, separate applications required***
- Sec. 115. Temporary events: client forms.***
- Sec. 116. Temporary booth location.***
- Sec. 117. Temporary event physical facilities.***
- Sec. 118. Inspection of booth and mobile unit required.***
- Sec. 119. Mobile unit: restrictions on use.***
- Sec. 120. Mobile unit: physical facilities.***
- Sec. 121. Mobile unit: water source.***
- Sec. 122. Mobile unit: required plumbing; dedicated uses.***
- Sec. 123. Mobile unit wastewater storage and disposal.***
- Sec. 124. Service connections***
- Sec. 125. Toilet facilities required.***

PERMITS AND FEES; COMPLIANCE ENFORCEMENT

- Sec. 126. Fees.***
- Sec. 127. Plans and specifications: submission for review and approval.***
- Sec. 128. Application for permit: Contents; issuance; transferability.***
- Sec. 129. Floor plan required.***
- Sec. 130. Plan review.***
- Sec. 131. Preoperational inspections.***
- Sec. 132. Permits to operate.***
- Sec. 133. Permit to be displayed.***
- Sec. 134. Inspection by health authority.***
- Sec. 135. Substantial health hazard: Discontinuance of operations.***
- Sec. 136. Substantial health hazard: Correction of violations***
- Sec. 137. Emergencies: Approval required before resuming operations.***
- Sec. 138. Access to the invasive body decoration establishment.***
- Sec. 139. Issuance of notice.***
- Sec. 140. Compliance with other regulatory authorities.***
- Sec. 141. Suspension or revocation of permit; reinstatement of suspended permit.***
- Sec. 142. Procedure for review of actions taken by the Division; appeals.***
- Sec. 143. Fees for permits and review of plans.***

GENERAL PROVISIONS

Section. 1. *Definitions. (NRS 439.200) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 446.0102 to 446.0395, inclusive, have the meanings ascribed to them in those sections.*

Sec. 2. *“Aftercare instruction” defined. (NRS 439.200) “Aftercare instruction” means written, post-procedure instructions given to the client, specific to the care and healing of invasive body decoration procedure(s) rendered. These instructions shall include information regarding when to seek medical treatment, if necessary.*

Sec. 3. *“Apprentice” defined. (NRS 439.200) “Apprentice” means any person who is engaged in learning the occupation of invasive body decoration procedures in a permitted invasive body decoration establishment.*

Sec. 4. *“Client” defined. (NRS 439.200) “Client” means any person other than an employee, responsible person, invasive body decoration operator, or visiting artist, either paying or non-paying, that uses the services of an invasive body decoration establishment and/or with whom an invasive body decoration operator or visiting artist has an agreement to provide tattooing services. Anyone, including an employee of the invasive body decoration establishment who is undergoing an invasive body decoration procedure, is considered a client.*

Sec. 5. *“Contamination” defined. (NRS 439.200) “Contamination” means to make unfit for use by the introduction or potential introduction of blood, infectious materials or other types of impure materials.*

Sec. 6. *“Disinfectant” defined. (NRS 439.200) “Disinfectant” means an EPA registered antimicrobial agent, such as a chemical, or heat that destroys, neutralizes, or inhibits the growth of pathogenic microorganisms. All disinfectant substances to be used in invasive body decoration establishments must be effective against the Human Immunodeficiency Virus (HIV), Hepatitis B Virus and Mycobacterium tuberculosis.*

Sec. 7. *“Disinfection” defined. (NRS 439.200) “Disinfection” means to destroy or inhibit pathogenic microorganisms on inanimate objects or surfaces by use of a disinfectant.*

Sec. 8. *“Division” defined. (NRS 439.200) “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 9. *“Glove” defined. (NRS 439.200) “Glove” means a covering for the hand which is disposable and single use, and is labeled for surgical or examination purposes. Gloves for instrument cleaning shall be heavy-duty, multi-use and waterproof.*

Sec. 10. *“Hand sink” defined. (NRS 439.200) “Hand sink” means a sink used solely for washing hands, arms or other portions of the body.*

Sec. 11. “Health authority” defined. (NRS 439.200) “Health authority” means the officers and agents of:

- 1. The Division of Public and Behavioral Health; or**
- 2. The applicable local boards of health.**

Sec. 12. “Infection control plan” defined. (NRS 439.200) “Infection control plan” means a written document that describes the formal procedures the invasive body decoration establishment will follow to prevent the spread of pathogens, according to the provisions of this chapter.

Sec. 13. “Invasive body decoration” defined. (NRS 439.200) “Invasive body decoration” means any invasive technique used to permanently or temporarily adorn, stretch or decorate the body including, but not limited to, tattooing, permanent make-up, body piercing, and any other forms of skin, tissue, cartilage or mucosal alteration.

Sec. 14. “Invasive body decoration establishment” defined. (NRS 439.200) “Invasive body decoration establishment” means any location; either temporary or permanent where invasive body decoration techniques are performed.

Sec. 15. “Invasive body decoration operator” defined. (NRS 439.200) “Invasive body decoration operator” means any individual who performs invasive body decoration procedures including, but not limited to, employees of an invasive body decoration establishment, apprentices and visiting artists.

Sec. 16. “Jewelry” defined. (NRS 439.200) “Jewelry” means any ornament inserted into the body, which must be made of metals, alloys, plastic, glass or natural products.

Sec. 17. “Medical waste” defined. (NRS 439.200, 444.) “Medical waste” has the meaning ascribed to it in NAC 444.589.

Sec. 18. “Permit” defined. (NRS 439.200) “Permit” means written approval by the health authority to operate an invasive body decoration establishment.

Sec. 19. “Person” defined. (NRS 439.200) “Person” means a natural person, any form of business or social organization and any other non-governmental legal entity including, but not limited to, a corporation, partnership, limited liability company, association, trust or unincorporated organization.

Sec. 20. “Permanent makeup” defined. (NRS 439.200) “Permanent makeup” means cosmetic tattooing and includes the application of permanent eyeliner, eyebrows, lip liner, full lip color, re-pigmentation or camouflage using tattooing techniques of placing pigments under the skin.

Sec. 21. *“Piercing” defined. (NRS 439.200) “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. This term does not include puncturing the lobe of the ear with a sterilized stud-and-clasp ear piercing system.*

Sec. 22. *“Premises” defined. (NRS 439.200) “Premises” means property and/or building, either owned, rented, leased or otherwise used by an organization as the principal place where the activities of the organization are conducted.*

Sec. 23. *“Pre-sterilized instruments” defined. (NRS 439.200) “Pre-sterilized instruments” means those that are commercially sterilized by the manufacturer.*

Sec. 24. *“Procedure area” defined. (NRS 439.200) “Procedure area” means the approved physical area in the permitted facility or location where the invasive body decoration procedures are performed.*

Sec. 25. *“Responsible person” defined. (NRS 439.200) “Responsible person” means any individual designated by the invasive body decoration establishment as being responsible for compliance with these regulations.*

Sec. 26. *“Sharps” defined. (NRS 439.200) “Sharps” means an object contaminated, likely to be contaminated, or may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or a packaging material. Sharps includes, but is not limited to, needles, syringes, scalpels, broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, Pasteur pipettes, and similar items having a point or sharp edge or that are likely to break during transportation and result in a point or sharp edge.*

Sec. 27. *“Sharps container” defined. (NRS 439.200) “Sharps container” means a commercially manufactured rigid, puncture-resistant container with required labeling that, when sealed, is leak-resistant and cannot be reopened without great difficulty.*

Sec. 28. *“Single-use” defined. (NRS 439.200) “Single-use” means products or items that are disposed of after use on each client including, but not limited to; 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. 29. *“Stencil” defined. (NRS 439.200) “Stencil”, also called a hectograph, means a copy made from a prepared gelatin surface to which the original document has been transferred.*

Sec. 30. *“Sterilization” defined. (NRS 439.200) “Sterilization” means a process which results in the total destruction of all forms of microbial life, including highly resistant bacterial spores.*

Sec. 31. *“Sterilizer” defined. (NRS 439.200) “Sterilizer” means an autoclave that is designed and labeled by the manufacturer as a medical instrument sterilizer and is used for the destruction of microorganisms and their spores.*

Sec. 32. *“Tattoo” defined. (NRS 439.200) “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 human skin or to produce an indelible mark or figure visible through the human skin.*

Sec. 33. *“Ultrasonic cleaner” defined. (NRS 439.200) “Ultrasonic cleaner” means any medical grade machine that uses ultrasonic wavelengths and aqueous solutions to remove contamination from instruments used in medical, tattooing and/or piercing procedures. Approved ultrasonic cleaners must be designed for the cleaning of medical equipment.*

Sec. 34. *Severability. (NRS 439.200) If any provision of [inclusive,] these regulations 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. 35. *Exemption from requirements. (NRS 439.150, 439.200)*

1. For an invasive body decoration establishment to be exempted pursuant to the provisions of [] this chapter, procedures must:

(a) Be performed by a physician, or a person working under the direct supervision of a physician, in the physician’s office or clinic; or

(b) Be limited to piercing of the ear lobe only with a pre-sterilized single-use stud- and clasp ear-piercing system.

2. Individuals who use ear-piercing systems must conform to the manufacturers’ directions on use and applicable U.S. Food and Drug Administration requirements.

3. The health authority retains authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear-piercing systems.

4. If an invasive body decoration establishment 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 invasive body decoration establishment that has had its exempt status revoked must obtain a permit pursuant to the provisions of []this chapter before resuming any operation of an invasive body decoration establishment.

Sec. 36. *Extreme body modification: definition and prohibition. (NRS 439.150, 439.200)*

- 1. *“Extreme body modification” means any method, other than tattoo, permanent makeup, or body piercing methods used to alter the appearance, sensation, or function of the human body for decorative or cultural purposes. Some examples include, but are not limited to, scarification (branding, cutting, skin peeling), implants, suspension piercing, dermal punching, amputation, trepanation (drilling into the skull), tongue and penis splitting, castration, circumcision, penectomy, saline injection and vacuum pumping.***
- 2. *Extreme Body Modifications are considered medical or surgical procedures and are prohibited acts in invasive body decoration facilities unless performed under the supervision of a physician as defined in NRS 630.014.***

Sec. 37. *Adoption by reference of Uniform Plumbing Code.*

- 1. *Except as otherwise provided in this section, 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 pursuant to 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 pursuant to 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 the following prices:***
 - (a) *The 2012 Uniform Plumbing Code, \$111.00 for nonmembers and \$88.80 for members.***
 - (b) *The 2009 Uniform Plumbing Code, \$109.00 for nonmembers and \$87.20 for members.***

MANAGEMENT AND PERSONNEL

Sec. 38. *Assignment; responsible person required. (NRS 439.200)*

- 1. An invasive body decoration establishment must have a responsible person present during the hours of operation or when an invasive body decoration is being performed.*
- 2. The responsible person shall be the permit holder or designee.*
- 3. Responsible person(s) and establishment employees shall:*
 - (a) Refuse service to any person who, in the opinion of the invasive body decoration operator, is under the influence of alcohol or drugs.*
 - (b) Ensure the invasive body decoration procedures are not conducted in a private home or in a room used as living or sleeping quarters.*
 - (c) Ensure that all invasive body decoration operators and establishment employees comply with the provisions of [] this chapter.*

Sec. 39. *Invasive body decoration operator; age restriction. (NRS 439.200) All operators performing invasive body decoration procedures must be a minimum of eighteen (18) years of age.*

Sec. 40. *Operator health. (NRS 439.200) The invasive body decoration operator and apprentices must be free of rash, bacterial or viral infection or any visible pathological condition.*

Sec. 41. *Handwashing required by invasive body decoration operators. (NRS 439.200) Invasive body decoration operators shall clean their hands and exposed portions of their arms:*

- 1. Immediately before engaging in any invasive body decoration procedure;*
- 2. During an invasive body decoration procedure as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;*
- 3. When switching between working with soiled and clean equipment; and*
- 4. After engaging in other activities that contaminate the hands.*

Sec. 42. *Handwashing procedure. (NRS 439.200) The invasive body decoration operator must thoroughly wash their hands in warm running water with liquid soap for at least 20 seconds, then rinse hands and dry with disposable paper towels.*

Sec. 43. *Handwashing: where allowed. (NRS 439.200) Invasive body decoration operators shall clean their hands and arms in a handwashing sink or approved automatic handwashing*

facility or device and may not clean such appendages in a sink used for the cleaning of instruments or equipment, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

Sec. 44. *Gloves required; when to change. (NRS 439.200)*

- 1. When performing invasive body decoration procedures, the invasive body decoration operator shall wear gloves.*
- 2. Gloves must be used according to the manufacturer's recommendations.*
- 3. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client.*
- 4. The operator must properly wash his or her hands before donning gloves.*
- 5. If while performing an invasive body decoration procedure, the operator's glove is pierced, torn or otherwise contaminated, the operator shall immediately remove the gloves, wash his or her hands, and don new gloves.*
- 6. The operator shall discard or replace any contaminated item or other instrument used for invasive body decoration before resuming the procedure.*

Sec. 45. *Clothing. (NRS 439.200) All operators performing invasive body decoration procedures shall wear clean clothes and maintain good personal hygiene when performing invasive body decoration procedures.*

Sec. 46. *Client health: disclosure. (NRS 439.200) The invasive body decoration operators or apprentices may ask the client, before beginning any invasive body decoration procedure, if the client has a history of any blood borne infectious disease.*

Sec. 47. *Client health: requirements. (NRS 439.200) Any skin, tissue, cartilage or mucosal surface to receive an invasive body decoration procedure must be free of rash, infection or any other visible pathological condition.*

Sec. 48. *Documentation required. (NRS 439.200) The following documentation must be maintained at the invasive body decoration establishment and must be provided at the time of inspection by the health authority:*

- 1. The names of all invasive body decoration operators working at the establishment and their exact duties including the following information:*
 - (a) Full legal name;*

- (b) Date of birth;*
- (c) Home address;*
- (d) Mailing address; and*
- (e) Phone number;*
- 2. *A complete description of all invasive body decoration procedures performed in the establishment;*
- 3. *A copy of the regulations of the health authority;*
- 4. *Site-specific infection control plan;*
- 5. *A copy of aftercare instructions; and*
- 6. *Client release forms.*

Sec. 49. *Client release forms required. (NRS 439.200) No invasive body decoration procedures are to be performed on a client until they have completed a client release form.*

Sec. 50. *Client release form: retention and contents. (NRS 439.200) Client release forms must be maintained for a minimum of 2 years;*

- 1. *Client release forms must include the following:*
 - (b) Full Name of artist(s) performing invasive body decoration procedure(s);*
 - (c) Description of the invasive body decoration procedure(s) to be performed;*
 - (d) Explanation that invasive body decoration procedure should be considered permanent;*
 - (e) Client's full legal name;*
 - (f) Client's date of birth;*
 - (g) Client's phone number;*
 - (h) Client's mailing address;*
 - (i) Copy of client's photo identification;*
 - (j) Date when the invasive body decoration procedure was performed; and*

(k) For minors, a copy of parent's or guardian's photo identification and proof of custody or guardianship.

(1) Proof of custody or guardianship must be proven with valid documentation, including, but not limited to an original birth certificate or court order granting custody or guardianship.

Sec. 51. *Client: identification and age requirements, guardian consent required. (NRS 439.200)*

- 1. An invasive body decoration operator shall only perform an invasive body decoration procedure upon a person under the age of 18 years with the consent and proper identification of a custodial parent or guardian, or under the direct supervision of a physician.*
- 2. An emancipated minor with proper identification shall be treated as an adult.*
- 3. Nothing in this section is intended to require an invasive body decoration operator to perform any invasive body decoration procedure on a person under 18 years of age with parental or guardian consent.*

Sec. 52. *Aftercare instructions required; contents. (NRS 439.200)*

- 1. Written aftercare instructions regarding the proper care of the invasive body decoration procedure must be provided to each client following each invasive body decoration procedure.*
- 2. Aftercare instruction must include the following:*
 - 1. Name, address, and phone number of the establishment and the name of the invasive body decoration artist who performed the procedure;*
 - 2. Directions on when to consult a physician to include signs of infection, allergic reaction, and expected duration of healing;*
 - 3. Detailed description of how to care for the body art procedure site; and*
 - 4. Possible side effects from the procedure.*

Sec. 53. *Bandage materials. (NRS 439.200) Any bandaging, gauze or other products applied to the procedure area must be single use and manufactured for the sole purpose of wound care, cleaning or medical care.*

Sec. 54. *Eating, drinking or using tobacco. (NRS 439.200)*

1. *No person shall, eat, drink, or use tobacco products or electronic cigarettes within the procedure area.*
2. *The establishment must comply fully with the applicable provisions of chapter 202 of NRS, including, without limitation, the provisions of the Nevada Clean Indoor Air Act, NRS 202.2483.*

EQUIPMENT

Sec. 55. *Single-use instruments required. (NRS 439.200)*

1. *Except as allowed in subsection 4, a product applied to the skin before beginning an invasive body decoration procedure, including, but not limited to, marking and transfer agents, including pens, shall be single use and discarded into a waste container at the end of the procedure.*
2. *All invasive body decoration stencils shall be single use and disposable.*
3. *Single use items shall not be used on more than one client for any reason.*
4. *Items designed and manufactured for reuse may be suitably disinfected and reused.*

Sec. 56. *Single-use items: storage and disposal. (NRS 439.200)* *Single use items, such as, but not limited to, tongue depressors, ink caps, gauze, rubber bands, cord sleeves, razors and towels used during an invasive body decoration procedure must be stored in a covered container and must be discarded immediately after use.*

Sec. 57. *Equipment design and construction. (NRS 439.200)* *All surfaces, including, but not limited to, counters, tables, equipment, chairs, recliners, shelving and cabinets in the procedure area and instrument cleaning room shall be made of smooth, nonabsorbent materials to allow for easy cleaning and disinfection.*

Sec. 58. *Linens. (NRS 439.200)*

1. *Each invasive body decoration facility shall have an adequate supply of clean towels and linens, which shall be laundered after each use.*
2. *All clean towels and linens shall be stored in a closed cabinet.*

Sec. 59. *Equipment disinfection. (NRS 439.200)*

1. *The operator shall clean and disinfect the tables, counters, chairs and other work surfaces in the procedure area which may contact the invasive body decoration operator or client before and after each procedure, regardless of whether contamination is visible.*

2. *If a tray is used for inks or pigments, it shall be disinfected after each procedure.*
3. *Only an EPA registered disinfectant may be used for disinfection.*
 - a. *The disinfectant must be used according to the EPA approved label.*
 - b. *Manufacturing guidelines for contact time of the disinfectant must be followed.*

Sec. 60. *Instrument storage. (NRS 439.200) All instruments and supplies stored either in the procedure area or in other places in the establishment must be stored in a clean, dry and covered container, compartment, or location.*

Sec. 61. *Labels required. (NRS 439.200) All chemicals shall be labeled with contents, properly stored, and used according to the manufacturer's instruction.*

Sec. 62. *Inks and pigments. (NRS 439.200)*

1. *An operator shall only use commercially manufactured inks, dyes, and pigments.*
2. *The operator shall comply with any recall notice for inks, dyes, and pigments issued by the manufacturer, Federal Food and Drug Administration, State Food and Drug Commissioner, or other health authority.*
 - (a) *No recalled inks, dyes, or pigments may be used in an invasive body decoration procedure.*

Sec. 63. *Protection of multiple-use containers. (NRS 439.200)*

1. *Inks, pigments, soaps and other products in multiple-use containers shall be dispensed in a manner to prevent contamination of the storage container and its remaining contents through the use of a single-use receptacle.*
2. *Inks and pigments remaining in the single-use receptacle shall be discarded immediately upon completion of the procedure.*

Sec. 64. *Needles and needle bars; requirements. (NRS 439.200)*

1. *Only single-use needles and needle bars shall be used for invasive body decoration procedures.*
2. *Single use needles and materials must be in a sealed package, with an expiration date and a proper sterilization indicator from the manufacturer.*

Sec. 65. *Sharps disposal. (NRS 439.200)*

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

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

Sec. 66. *Tattoo machine: sheath required. (NRS 439.200)*

1. *Any part of a tattooing machine that the invasive body decoration operator may touch during the procedure must be covered with a disposable plastic sheath.*

2. *The sheath shall be discarded and the machine shall be cleaned and disinfected upon completion of the procedure.*

Sec. 67. *Tattoo machine: design. (NRS 439.200)* *A machine used to insert pigments shall be designed with removable tip parts between the tip and motor housing, and in a manner that will prevent backflow into enclosed parts of the motor housing.*

Sec. 68. *Hand tool: disposal. (NRS 439.200)*

1. *Except as permitted in subsection 2, a hand tool used to insert pigment shall be disposed of in a sharps container, with the sharps intact.*

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

Sec. 69. *Jewelry: requirements. (NRS 439.200)*

1. *Jewelry placed in newly pierced skin must be sterilized prior to piercing, or must be purchased pre-sterilized.*

2. *Sterile jewelry packs must be evaluated before use and, if the integrity of a pack is compromised, including, but not limited to, being torn, wet, or punctured, the pack must be discarded or re-sterilized before use.*

3. *The following types are materials that are permitted for jewelry placed in healing piercing:*

(a) ASTM F-138 or ISO 5832-1 implant grade stainless steel;

(b) Solid, nickel-free 14-karat through 18-karat yellow or white gold;

(c) Inert metals such as:

(1) Niobium

- (2) Solid nickel-free platinum; or*
 - (3) ASTM F-136, ISO 5832-3, and/or ASTM F-67 compliant titanium;*
 - (d) Fused quartz glass, lead-free borosilicate, lead free soda-lime glass;*
 - (e) High density acrylic or plastics such as:*
 - (1) Tygon Medical Surgical Tubing S-50HI or S-54HL;*
 - (2) ASTM F-754 compliant Polytetrafluoroethylene (PTFE); or*
 - (3) Other plastic material that is ISO 10993-6, ISO 10993-10, and/or ISO 10993-1 compliant and/or meets the United States Pharmacopeia (USP) Class VI material classification; and*
 - (f) Any other material found to be equally biocompatible and approved by the health authority.*
- 1. All threaded or press-fit jewelry must have internal tapping*
 - 2. Jewelry must be in good condition and must be free of scratches and nicks.*

Sec. 70. *Tattoo needle manufacturing. (NRS 439.200) Any invasive body decoration operator proposing to manufacture needles for use in tattoo procedures must complete the following:*

- 1. Provide a complete written procedure and plan for every portion of the manufacturing process;*
- 2. Maintain a written record and log for all needles made with a corresponding lot number and sterilization date on the sterilization pack;*
- 3. Use only new and unused bars;*
- 4. Use only new and unused needle tips;*
- 5. Use only lead free solder;*
- 6. Wear appropriate personal protective equipment at all times during the process;*
- 7. Submit the written procedure to the health authority and receive approval in writing;*
- 8. Discard all used needles and bars in an approved sharps container; and*

9. *The practice of removing the tips of needle bars and only placing the tips in a sharps container is strictly prohibited. Needle bars used during invasive body decoration procedures must be disposed of in a sharps container in their entirety.*

PHYSICAL FACILITIES

Sec. 71. *Private homes, residences and premises. (NRS 439.200)*

1. *An invasive body decoration establishment may not be located in a private home, including apartments, condominiums, multi-family or single-family dwellings, unless:*
 - (a) *The invasive body decoration establishment can meet all the applicable provisions of [] this chapter;*
 - (b) *A dedicated exterior entrance is provided;*
 - (c) *The areas used for conducting the operations of the invasive body decoration establishment are physically separated from the living or sleeping quarters by walls; and*
 - (d) *The areas used for conducting the operations of the invasive body decoration establishment are not used as thoroughfares.*
2. *When a permit to operate is issued to a homeowner or resident of a home allowing the operation of an invasive body decoration establishment from a portion of a private residence, the portion of the private home, residence, or their premises shall no longer be considered part of the private home or residence and shall be considered an invasive body decoration establishment, the operation of which is subject to all laws and regulations applicable to invasive body decoration establishments, including those requiring inspections.*

Sec. 72. *Animals on premises prohibited; exceptions. (NRS 439.200)*

1. *Except as otherwise provided in this section, live animals, including birds and turtles, are not permitted on the premises of an invasive body decoration establishment.*
2. *Any aquarium(s) or service animals accompanying persons with a visual, aural or physical disability, or trainers who are training service animals are permitted in waiting rooms and non-procedural areas only.*
3. *Dogs accompanying security or police officers are permitted in offices and storage areas. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons.*
4. *Invasive body decoration operators must not care for or handle any pets while on duty.*

5. *Therapy and comfort animals are not allowed in invasive body decoration establishments.*

Sec. 73. *Waste receptacle: required, location, design. (NRS 439.200)*

1. *At least 1 covered waste receptacle must be provided in each invasive body decoration procedure area for disposal of all contaminated waste products.*
2. *The waste receptacle must remain covered while the station and/or operator is no longer performing any invasive body decoration procedures.*

(a) The receptacle may be blocked open and/or uncovered while in use.

3. *Waste receptacles must be durable, cleanable, insect and rodent resistant, leak proof and nonabsorbent.*

Sec. 74. *Floors, walls, and ceilings. (NRS 439.200)*

1. *The walls, floors, tables, counters, chairs and other surfaces in the body art procedure area shall be kept clean, disinfected and in good repair.*
2. *Floors shall be mopped daily with an U.S. Environmental Protection Agency (“EPA”) registered disinfectant.*

Sec. 75. *Prevention of contamination. (NRS 439.200) Procedure, sterilization, and storage areas shall be completely separated from areas used for human habitation, food preparation or other such activities that may cause potential contamination of work surfaces.*

Sec. 76. *Floors, walls, ceilings: design, construction, and installation. (NRS 439.200)*

1. *In all procedure areas and instrument cleaning areas floors, walls, ceilings and attached equipment shall be constructed of smooth non-absorbent and easily cleanable material.*
2. *Outer openings shall provide protection against dust and other contaminants.*
3. *Public areas may use alternative flooring upon approval by the health authority.*

Sec. 77. *Space required. (NRS 439.200) A minimum of forty-five (45) square feet of floor space is required for each invasive body decoration operator or work station in any permitted establishment.*

Sec. 78. *Privacy. (NRS 439.200) Each establishment must provide an area which may be blocked from public view for clients requesting privacy.*

Sec. 79. *Ventilation. (NRS 439.200) The invasive body decoration establishment must be well-ventilated.*

Sec. 80. *Light intensity. (NRS 439.200)*

- 1. At least 50 foot candles of light shall be provided at the level where invasive body decoration procedures are being performed.*
- 2. In all other areas light fixtures must be sufficient to work comfortably and visually inspect tools and materials to be cleaned and/or sterilized.*

Sec. 81. *Light bulbs: Required shielding. (NRS 439.200) All overhead lights and lights used in the procedure area in the facility shall be shielded or constructed of shatterproof materials.*

Sec. 82. *Handwashing sinks. (NRS 439.200)*

- 1. All invasive body decoration facilities must have at least 1 standalone hand sink that serves no more than 4 invasive body decoration operators or work stations at one time. Any facility proposing more than 4 work stations will be required to add additional hand sinks according to the above.*
- 2. Hand sinks must have hot and cold running water tempered by a mixing valve or combination faucet, pump soap, and disposable paper towels.*
- 3. Hand sinks must be conveniently located and easily accessible.*
- 4. Bathroom sinks and any other sinks used to clean and/or scrub tools and instruments shall not be used as a hand sink.*

Sec. 83. *Waiting area required. (NRS 439.200) All facilities shall have a waiting area that is separate from the body art procedure area, and from the instrument cleaning, sterilization, and storage areas.*

Sec. 84. *Sinks: designations and restrictions on use. (NRS 439.200) Instrument cleaning sinks, hand sinks and, where provided, utility sinks shall be separate and shall only be used for their designated purpose.*

Sec. 85. *Potable water. (NRS 439.200) Water shall be supplied from a source approved by the health authority.*

Sec. 86. *Sewage disposal. (NRS 439.200) Sewage, including liquid wastes, shall be discharged to a sanitary sewer or to a sewage system constructed, operated, and maintained according to law.*

Sec. 87. *Designated areas required. (NRS 439.200) Distinct, separate areas shall be used for cleaning equipment, wrapping/packaging equipment, and for the handling and storage of sterilized equipment.*

Sec. 88. *Sterilization room requirements. (NRS 439.200) The sterilization room must:*

- 1. Be separated by a door or other enclosure from all procedure and/or work areas;*
- 2. Be properly identified with universally accepted biohazardous waste signage, and secured to prevent unauthorized persons from entering; and*
- 3. Be equipped with at least one 2-compartment sink with hot and cold running water for cleaning and disinfecting instruments.*

Sec. 89. *Refuse storage and disposal. (NRS 439.200) Refuse, excluding medical wastes, shall be placed in a lined waste receptacle and disposed of at a frequency that does not create a health or sanitation hazard.*

STERILIZATION AND DISINFECTION

Sec. 90. *Operational manual required. (NRS 439.200) A copy of the operational manual for all sterilization and cleaning equipment must be kept on site.*

Sec. 91. *Sterilization procedures. (NRS 439.200) An invasive body decoration establishment shall conform to the following sterilization procedures:*

- 1. Clean instruments to be sterilized shall first be sealed in sterilization packs that contain either a sterilizer indicator or internal temperature indicator; and*
- 2. The outside of the pack shall be labeled with the date sterilized and the initials of the person operating the sterilizing equipment.*

Sec. 92. *Sterilizer loading and specifications. (NRS 439.200)*

- 1. Sterilizers shall be loaded, operated, disinfected and maintained according to the manufacturer's directions.*
- 2. Sterilizers shall meet all of the following standards:*
 - (a) Only equipment manufactured for the sterilization of medical instruments shall be used;*
 - (b) Sterilization equipment shall be tested monthly and after the initial installation, after any major repair, and after any service using a commercial biological indicator monitoring system; and*

(c) The expiration date of the monitor shall be checked prior to each use.

Sec. 93. *Biological indicator monitoring required. (NRS 439.200)*

- 1. Biological indicator monitoring must be completed by a third-party certified lab on a monthly basis.*
- 2. The biological indicator test results must be maintained on site for a minimum of 2 years from the date of the completed test.*
- 3. If the laboratory results indicate any spore growth, a new biological indicator must be submitted to the lab for confirmation testing.*
- 4. The sterilizer may not be used until a negative growth spore destruction test result is provided by the lab.*
- 5. Sterilization indicators do not substitute for the monthly required spore testing*

Sec. 94. *Sterilization logs required. (NRS 439.200) A written log of each sterilization cycle shall be retained on site for two (2) years and shall include all of the following information:*

- 1. The date of the load;*
- 2. A list of the contents of the load;*
- 3. The exposure time and temperature; and*
- 4. For cycles where the results of the biological indicator monitoring test are positive, how the items were cleaned and proof of a negative test before reuse.*

Sec. 95. *Sterilized instrument storage. (NRS 439.200) Sterilized instruments shall be stored in the intact sterilization packs or in the sterilization equipment cartridge until time of use.*

Sec. 96. *Sterilized instrument evaluation. (NRS 439.200)*

- 1. Sterile instrument packs shall be evaluated at the time of storage and before use.*
- 2. If the integrity of a pack is compromised, including, but not limited to, cases where the pack is torn, punctured, wet, or displaying any evidence of moisture contamination, the pack shall be discarded or reprocessed before use.*

Sec. 97. *When sterilizer not required; documentation of alternative procedures. (NRS 439.200)*

- 1. An invasive body decoration establishment that does not perform on-site sterilization or does not have an area for sterilization of instruments, as defined in this chapter, shall only purchase and use disposable, single-use, pre-sterilized instruments.*
- 2. An establishment that does not sterilize instruments on site must keep and maintain:
 - a. A record of purchase and use of all single-use instruments; and*
 - b. A log of all procedures, including the names of the practitioner and client and the date of the procedure.**
- 3. Single-use instrument records must be kept for a minimum of 90 days following use.*

Sec. 98. *Reusable instruments: cleaning and sterilization required. (NRS 439.200) All reusable instruments used during invasive body decoration procedures must:*

- 1. Go through a cleaning process prior to packaging that includes removal of contamination, washing and air drying; and*
- 2. Be cleaned, packaged and sterilized in a sterilizer, as described in this chapter, before use on any clients.*

Sec. 99. *Gloves required during cleaning. (NRS 439.200) Employees must wear gloves while conducting tool cleaning, sterilization, and packaging procedures, and at all times in the sterilization room.*

Sec. 100. *Disinfection required; procedures. (NRS 439.200)*

- 1. Instruments shall be disinfected by soaking in an approved disinfectant solution or by use of an ultrasonic cleaner.*
- 2. If reusable items must be soaked in a disinfectant and stored in a clean location as required in this chapter.*
- 3. The disinfectant soak must be performed according to the manufacturer's directions.*
- 4. Items must be disassembled during the cleaning process through sterilization.*
- 5. An ultrasonic cleaner must be covered during the cleaning process to minimize aerosolization of contents.*

Sec. 101. *Air drying required. (NRS 439.200) Instruments must air dry completely before being placed in sterilization packs.*

Sec. 102. *Sterilized equipment expiration. (NRS 439.200) Packages are not considered sterile after 3 months or if packaging is compromised or adulterated.*

Sec. 103. *Medical waste disposal. (NRS 439.200)*

1. *Waste generated during an invasive body decoration procedure that may release liquid blood or bodily fluids when compressed is considered medical waste and must be stored, collected, and disposed of as outlined in the applicable sections of NAC 444.570 through NAC 444.7499: Solid Waste Disposal.*
2. *All sharps are classified as medical waste.*
3. *Waste must be disposed of as follows:*
 - (a) *Garbage, rubbish, trash and/or medical waste other than sharps within 7 days.*
 - (b) *Sharps disposal within thirty (30) days from when the sharps container is full.*

Sec. 104. *Medical waste segregation and containment. (NRS 439.200)*

1. *Containment of medical waste must be separate from all other wastes.*
2. *Enclosures and containers used to store medical waste before treatment or transport to an offsite treatment facility must be secured to prevent access by unauthorized persons.*
3. *Medical waste must be contained and stored in a manner and location that protects from the environment, and does not attract or harbor insects or rodents.*
4. *The medical waste storage area must be kept locked or under direct supervision or surveillance.*

Sec. 105. *Medical waste storage area labeling. (NRS 439.200)*

1. *Enclosures and containers used to store medical waste must be clearly marked with prominent warning signs on or adjacent to the exterior of doors, gates, or lids.*
2. *Warning signs must include the universal biohazard symbol and the following wording:*
 - (a) *In English, “CAUTION – BIOHAZARDOUS WASTE STORAGE AREA – UNAUTHORIZED PERSONS KEEP OUT”.*
 - (b) *In Spanish, “CUIDADO – ZONA DE RESIDUOS INFECTADOS – PROHIBIDA LA ENTRADA A PERSONAS NO AUTORIZADA.”*

Sec. 106. *Medical waste transportation. (NRS 439.200) Medical waste must be transported separately and according to the applicable regulations governing the transporting waste authority.*

Sec. 107. *Sharps segregation and storage. (NRS 439.200)*

- 1. All sharps shall be segregated from other wastes and collected and stored in sharps containers, which must be tightly closed or tightly secured to preclude loss of contents.*
- 2. Containers used to store medical waste and sharps containers must be cleaned and disinfected after each use.*

Sec. 108. *Sharps container labeling required. (NRS 439.200) The sharps waste container shall be labeled with the words "SHARPS WASTE" or "BIOHAZARD" and with the international biohazard symbol.*

Sec. 109. *Infection control plan: prior approval required. (NRS 439.200)*

- 1. The invasive body decoration establishment shall develop, maintain, and follow a written infection control plan to prevent the spread of infectious diseases.*
- 2. The operator shall submit the infection control plan to the health authority at the time of application for a permit to operate.*
- 3. The infection control plan must, in the opinion of the health authority, reasonably control the spread of pathogens in the invasive body decoration establishment.*

Sec. 110. *Infection control plan: Required contents. (NRS 439.200) At a minimum, the infection control plan must include:*

- 1. The invasive body decoration procedures performed in the establishment;*
- 2. Procedures for cleaning and disinfecting surfaces;*
- 3. Procedures for cleaning, disinfecting, packing, sterilizing, and storing re-usable instruments and equipment;*
- 4. Procedures for protecting clean instruments and sterile instrument packs from exposure to dust and moisture during storage;*
- 5. A set up and tear down procedure for all invasive body decoration procedures performed in the establishment;*
- 6. Techniques and procedures to prevent the contamination of instruments, equipment, surfaces, or the procedure site during an invasive body decoration procedure;*
- 7. Procedures for the safe handling and disposal of sharps and medical waste;*
- 8. The records required to be maintained by the responsible person to demonstrate that the infection control plan is properly operated and managed; and*
- 9. Additional scientific data or other information, as required by the health authority, to support the determination that the invasive body decoration procedures and establishment operations are sufficient to protect the public health.*

TEMPORARY & MOBILE PERMIT REQUIREMENTS

Sec. 111. *Applicable requirements; location of operation. (NRS 439.200)*

- 1. A Temporary or mobile invasive body decoration establishment must comply with all the requirements of this chapter which are applicable to its operation.*
- 2. A temporary or mobile permit may be issued by the health authority for education, trade show, product demonstration, special event or celebration only, not to exceed 14 days.*
- 3. The location where a temporary or mobile invasive body decoration establishment is operated must be approved by the health authority.*

Sec. 112. *Permit to operate required; posting. (NRS 439.200)*

- 1. No person may operate a temporary or mobile invasive body decoration establishment unless the health authority has issued a valid permit therefor.*
- 2. The permit issued pursuant to this section is not transferable from person to person or place to place.*
- 3. The health authority may modify or augment the requirements of these regulations to assure public health and safety. Requirements may also be waived when, in the opinion of the health authority, no imminent health hazard will result.*
- 4. The temporary event permit must be posted in a conspicuous location, readily visible to clients.*

Sec. 113. *Event coordinator required. (NRS 439.200)*

- 1. An event coordinator must be designated for each temporary invasive body decoration event with more than one booth, mobile unit, or independent operator.*
- 2. The event coordinator or promoter must submit an application and shall pay a fee according to the approved fee schedule established by the health authority.*
- 3. An event coordinator must submit a permit application to the health authority for review at least 14 days before the event. Applications will not be accepted less than 48 hours before the event.*

Sec. 114. *Temporary event, separate applications required. (NRS 439.200) Any operator who is not permanently employed at the shop/business listed on the application must submit a separate permit application and fees, regardless if the operator will be working in the same booth.*

Sec. 115. *Temporary events: client forms. (NRS 439.200) The health authority must be provided copies of all client forms before the end of the event, or as requested.*

Sec. 116. *Temporary booth location. (NRS 439.200) The temporary invasive body decoration event must be completely within a permanent building, or other enclosed, non-mobile facility.*

Sec. 117. *Temporary event physical facilities. (NRS 439.200) The temporary or mobile permit applicant must comply with all of the requirements of]] this chapter, including but not limited to:*

- 1. Conveniently located hand-washing facilities with pump soap, paper towels, and hot and cold water under adequate pressure and tempered by a mixing valve or combination faucet.*
- 2. Wastewater disposal in accordance with local plumbing codes must be available in each booth/cubicle;*
- 3. A minimum of 45 square feet of floor space within the procedure area;*
- 4. At least 50 foot candles of light at the level where the invasive body decoration procedure is being performed;*
- 5. One of the following methods to ensure adequately sterilized instruments:*
 - a. Facilities to properly sterilize instruments and evidence of a negative spore destruction test performed on the sterilizer within 30 days of the event start date; or*
 - b. Only single use, prepackaged sterilized equipment obtained from reputable suppliers, manufactures or the invasive body decoration operator's approved sterilizer with properly dated packages will be allowed;*
- 6. Ability to properly clean and disinfect the procedure area and procedure surfaces;*
- 7. Maintain written records of all persons who have invasive body decoration procedures performed during the temporary event; and*
- 8. Provide written and verbal aftercare instructions to each client following each invasive body decoration procedure.*

Sec. 118. *Inspection of booth and mobile unit required. (NRS 439.200) The temporary invasive body decoration establishment must be inspected by the health authority and a permit to operate must be issued prior to any invasive body decoration procedure being performed.*

Sec. 119. *Mobile unit: restrictions on use. (NRS 439.200)*

- 1. Invasive body decoration performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer, mobile home or RV.*
- 2. Except as allowed in subsection (a), the 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 vehicle. If the area(s) used for invasive body decoration procedures, cleaning, storage, and related tasks can be accessed via a dedicated entrance and are separated by floor-to-ceiling walls, other areas of the unit may be used for food preparation or habitation.*
- 3. No invasive body decoration procedures shall be performed outside of the enclosed vehicle.*

Sec. 120. *Mobile unit: physical facilities. (NRS 439.200)*

- 1. The mobile invasive body decoration establishment shall be maintained in a clean and sanitary condition at all times.*
- 2. Doors shall be tight-fitting.*
- 3. Windows that open shall have tight-fitting screens. Material for screens may not be less than 16 mesh to the inch.*
- 4. Walls and floors must be smooth and easily cleanable.*

Sec. 121. *Mobile unit: water source. (NRS 439.200) The water source and system design must be approved by the health authority.*

- 1. The water system must be of sufficient capacity to furnish enough hot and cold running water under pressure to accommodate equipment washing and hand washing at all times of operation.*
- 2. The water inlet must be located so that it will not be contaminated by waste discharge, road dust, oil and grease, and shall be capped.*
- 3. The water filler hose must be equipped with an approved vacuum breaker or check valve.*
- 4. The filler hose must be of an approved material and stored with the ends connected or covered when not in use. The water filler hose must not be used for any purpose other than supplying potable water to the mobile invasive body decoration establishment; and*

5. *The filler hose must be identified either by color coding or tagging. The water system must be operable under all climatic conditions, including subfreezing temperatures.*

Sec. 122. *Mobile unit: required plumbing; dedicated uses. (NRS 439.200)*

1. *The mobile invasive body decoration establishment shall be equipped with a service sink and a separate hand sink for the exclusive use of the operator for hand washing and preparing the client for the invasive body decoration procedures.*
2. *The hand sink shall be supplied with pump soap, hot and cold running water under pressure and tempered by a mixing valve or combination faucet, and paper towels.*
3. *An adequate supply of potable water shall be maintained for the mobile invasive body decoration establishment at all times during operation.*
 - (a) *The water source must be approved by the health authority.*
 - (b) *The tank storage capacity in gallons shall also be identified.*

Sec. 123. *Mobile unit wastewater storage and disposal. (NRS 439.200) All liquid wastes shall be stored in an adequate storage tank with a capacity of at least 15 percent greater than the capacity of the onboard potable water supply.*

1. *The bottom of the tank must be sloped to drain;*
2. *Liquid waste must be retained on the mobile invasive body decoration establishment until emptied and flushed into an approved dump station, in a manner approved by the health authority;*
3. *The contents of the liquid waste retention tank must be gauged; and*
4. *A tank with an outlet for overflow is prohibited.*

Sec. 124. *Service connections. (NRS 439.200)*

1. *All connections on the vehicle used for servicing the mobile invasive body decoration establishment waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile invasive body decoration establishment.*
2. *The waste connection must be located lower than the water inlet connection to prevent contamination.*

Sec. 125. *Toilet facilities required. (NRS 439.200) Restroom facilities must be available within 200 feet of the temporary or mobile invasive body decoration establishment.*

PERMITS AND FEES; COMPLIANCE ENFORCEMENT

Sec. 126. *Fees. (NRS 439.150, 439.200)*

- 1. An application for a permit to operate an invasive body decoration establishment must be accompanied by the fee as described in Section 142.*
- 2. Permit renewal fees must be paid within proper time constraints and before the date on which the permit is set to expire.*
- 3. The health authority shall assess a fee for late payments as described in Section 142.*

Sec. 127. *Plans and specifications: submission for review and approval. (NRS 439.150, 439.200) A permit applicant or permit holder shall submit to the health authority properly prepared plans and specifications for review before:*

- 1. The construction of an invasive body decoration establishment;*
- 2. The conversion of an existing structure for use as an invasive body decoration establishment; or*
- 3. The significant remodeling of an invasive body decoration, if the health authority determines that plans and specifications are necessary to ensure compliance with [.]this chapter.*

Sec. 128. *Application for permit: Contents; issuance; transferability. (NRS 439.150, 439.200)*

- 1. Any person desiring to operate an invasive body decoration establishment must make written application for a permit on forms provided 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 phone number, mailing address and email 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 the applicant or applicants.*
 - (e) The health authority may require an applicant to provide any additional information that the health authority determines is reasonably necessary to protect the public health.*

2. An application for a permit to operate a temporary or mobile invasive body decoration establishment must also include:

a. The inclusive dates of the proposed operation;

b. The event coordinator or promoter's full name and contact information including phone number, mailing address and email address;

c. A layout of the event including, but is not limited to, the location of all areas where invasive body decoration procedures will be performed, hand wash stations, power sources, sterilization area(s) and sinks used for cleaning invasive body decoration tools;

d. A description of how the sharps will be managed both on site and for disposal; and

e. A description of how waste and rubbish will be managed on site and for disposal.

3. Upon receipt of an application, the health authority shall conduct a full review of the application, evaluating all safety and source parameters as proposed. If the health authority determines that the application complies with the applicable provisions of this chapter, the health authority shall issue a permit to the applicant. After issuing a permit to an applicant, the health authority shall conduct an inspection of the applicable invasive body decoration establishment to determine compliance with the provisions of this chapter.

4. A permit to operate a temporary or mobile invasive body decoration establishment may be issued for a period not to exceed 14 days.

5. A permit or permit exemption issued pursuant to this section is not transferable from one person to another person, or from one location to another location.

Sec. 129. *Floor plan required. (NRS 439.200) A copy of the invasive body decoration facility floor plan must be submitted at the time of application.*

1. The floor plan must indicate at a minimum:

(a) All proposed work stations and procedure areas;

(b) Any proposed sterilization areas;

(c) All hand sinks and bathrooms existing and/or proposed;

(d) Proposed break and/or waiting area;

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

(f) All proposed finish materials

Sec. 130. *Plan review. (NRS 439.200) A permit applicant or permit holder shall submit to the health authority properly prepared plans and specifications for review and approval before:*

- 1. The construction of an invasive body decoration establishment;*
- 2. The conversion of an existing structure for use as an invasive body decoration establishment; or*
- 3. The remodeling of an invasive body decoration establishment if the health authority determines that plans and specifications are necessary to ensure compliance with this chapter.*

Sec. 131. *Preoperational inspections. (NRS 439.200) The health authority shall conduct one or more preoperational inspections to verify that the invasive body decoration establishment is constructed and equipped in accordance with the approved plans and approved modifications of those plans, and has established standard operating procedures as specified in compliance with law and this chapter. The health authority may establish and collect a fee for on-site preoperational inspections.*

Sec. 132. *Permits to operate. (NRS 439.150, 439.200)*

- 1. Permits expire 1 year after the date of issue unless previously revoked for a violation of the statutes and regulations of the State Board of Health or the local board of health.*
- 2. New permits to operate shall be issued; existing permits shall be renewed annually, and shall be conditioned upon full compliance with these regulations.*

Sec. 133. *Permit to be displayed. (NRS 439.200) Permits must be conspicuously displayed in the invasive body decoration establishment and shall not be defaced or altered in any manner.*

Sec. 134. *Substantial health hazard: Discontinuance of operations. (NRS 439.200, 446.940)*

- 1. Except as otherwise provided in this section, a permit holder shall 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 bloodborne disease or skin infection, gross insanitary occurrence or condition, or other circumstance that may endanger the public health.*

- 2. A permit holder need not discontinue operations in an area of an invasive body decoration establishment that is unaffected by the substantial health hazard if approved by the health authority to continue to operate.*

Sec. 135. *Substantial health hazard: Correction of violations. If a substantial health hazard exists in or on the premises of an invasive body decoration establishment, the health authority shall suspend the health permit and the invasive body decoration 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. 136. *Emergencies: Approval required before resuming operations. If operations are discontinued for an emergency as specified in this chapter, the permit holder shall obtain approval from the health authority before resuming operations.*

Sec. 137. *Access to the invasive body decoration establishment. (NRS 439.150, 439.200) The health authority, with proper identification, must be permitted at any reasonable time to enter any invasive body decoration establishment within the jurisdiction for the purpose of making any inspection to determine compliance with [], i these regulations. The health authority must be permitted to examine the documents and records of the establishment that are maintained as required in this chapter.*

Sec. 138. *Issuance of notice. (NRS 439.150, 439.200) Whenever the health authority makes an inspection of an invasive body decoration establishment and discovers that any of the requirements of this chapter have been violated, he/she shall notify the permit holder or operator of the violations by means of an inspection report form or other written notice. The notice must:*

- 1. Set forth the specific violations found;*
- 2. Establish a specific and reasonable time for the correction of those violations;*
- 3. State that failure to comply with the requirements of any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit ; and*
- 4. 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 for correction.*

Sec. 139. *Compliance with other regulatory authorities. (NRS 439.150, 439.200)*

- 1. The invasive body decoration establishment must remain in compliance with the requirements of all other state and local statutes, regulations, and ordinances enforced*

by regulatory authorities, including, but not limited to the State of Nevada Occupational Safety and Health Administration and local building officials.

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

Sec. 140. *Suspension or revocation of permit; reinstatement of suspended permit. (NRS 439.150, 439.200)*

- 1. The health authority may suspend permits issued under the provisions of this chapter, for failure of the permit holder to comply with the requirements of this chapter.*
- 2. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of these regulations, the permit holder or operator must be notified in writing that the permit is, upon service of the notice, immediately suspended. The notice must also 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 with the health authority.*
- 3. A permit may be revoked without notice if the health authority determines that a substantial and immediate hazard to public health and safety exists.*
- 4. Any person whose permit has been suspended may, at any time, make application for a re-inspection for reinstatement of the permit. Within 10 days following 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 shall make a re-inspection. If the applicant is complying with the requirements of this chapter, the permit must be reinstated.*
- 5. For serious or repeated violations of any of the requirements of this chapter or for interference with the health authority in the performance of his or her duties, the 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 its revocation or a hearing relative thereto.*
- 6. The hearings provided for in 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 hearing decision must be furnished to the permit holder by the health authority.*

Sec. 141. *Procedure for review of actions taken by the Division; appeals. (NRS 439.150, 439.200)*

- 1. A person who has reason to believe that an action taken by the Division pursuant to this chapter 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 scheduled for the informal discussion, submit a written request to the Division for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the Division, except that the informal conference must be held no later than 60 days after the date on which the Division received the written request.*
- 3. Except as otherwise provided in subsection 4, the determination of the Division resulting from the 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 this chapter who is aggrieved by an action of the Division relating to the denial of an application for or the renewal of such a permit or the suspension or revocation of such a permit may appeal that action in accordance with NAC 439.300 to NAC 439.395, inclusive, after exhausting the informal procedures set forth in this chapter, except that the Division may waive the informal procedures, or any portion thereof, by giving written notice to the aggrieved person.*

Sec. 142. *Fees for permits and review of plans.*

- 1. The Division shall charge and collect fees for a permit to operate an invasive body decoration establishment in accordance with the following schedule, except in areas where the laws and regulations governing such facilities are administered by local health authorities:*

<i>Invasive Body Decoration Establishment Annual Permit</i>	<i>\$290.00</i>
<i>Annual Permit Late Fee (<14 days)</i>	<i>\$50.00</i>
<i>Temporary Permit (per shop or business)</i>	<i>\$125.00</i>
<i>Temporary Permit Late Fee (<14 days)</i>	<i>\$50.00</i>
<i>Mobile Permit</i>	<i>\$100.00</i>
<i>Mobile Permit Late Fee (<14 days)</i>	<i>\$50.00</i>
<i>Event Coordinator or Promoter</i>	<i>\$100.00</i>
<i>Event Coordinator or Promoter Late Fee (<14 days)</i>	<i>\$50.00</i>
- 2. The Division shall charge and collect the following fees for reviewing plans of a newly constructed or extensively remodeled invasive body decoration establishment, except in areas where the laws and regulations governing such facilities are administered by local health authorities:*

<i>Invasive Body Decoration Establishment</i>	<i>\$165.00</i>
---	-----------------