

LEGISLATIVE SUMMARY

ASSEMBLY BILL 1168

SAFE BODY ART

This bill amends California Health and Safety Code by making certain technical and clarifying changes regarding body art facilities. The provisions in this bill take effect **January 1, 2014** and are enforceable at that time. The provisions in the bill are summarized as follows:

1. Adds to the definition of "body art facility" places where body art is demonstrated for the purpose of instruction.
2. Prohibits the performance of body art at a place other than a permanent or temporary body art facility. This bill would also make it a misdemeanor to perform body art at an unpermitted location.
3. Requires any information gathered in a medical questionnaire prior to the performance of body art to comply with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) or similar state laws to be maintained or disposed of in compliance with those provisions.
4. Require informed consent documents to include a notice that tattoo inks, dyes, and pigments have not been approved by the federal Food and Drug Administration and that the health consequences of using these products are unknown.
5. Repeals the provision that requires a first-time registrant as a body art practitioner to provide documentation evidencing 6 months of related experience.
6. Authorizes a county to suspend or revoke the health permit of a body art facility if a person who does not possess a valid practitioner registration is allowed to perform body art.
7. Makes specified changes to the requirements for a body art facility, including that the floors and walls must be nonabsorbent, that the facility provide adequate toilet facilities, as specified, and that removal of sharps waste, as defined, be done in a specified manner.
8. Clarifies that no animals shall be allowed in the procedure area or the decontamination and sterilization area except service animals, as defined by the federal Americans with Disabilities Act.
9. Temporary events and demonstration booths
 - a. Prescribes requirements for mobile body art facilities, including that specified provisions of the Safe Body Art Act be met, that the mobile facility have certain amenities, and that all body art procedures be completed inside the mobile body art facility.
 - b. Removes the requirement of an eye wash station at a temporary body art demonstration booth.
 - c. Requires that demonstration booths include at least 50 square feet for each practitioner and hand washing facilities, and would prohibit food and tobacco products in the demonstration booth.
 - d. Require a sponsor of a temporary event to submit a temporary facility permit application to the local enforcement authority within 30 days of the event, prohibits a sponsor from allowing a person to perform body art at the event if the person does not have a valid body art practitioner registration, and requires the sponsor to ensure the availability of various facilities and supplies, including trash pickup, wastewater removal, and required forms and documents.

