



# County of El Dorado

330 Fair Lane, Building A  
Placerville, California  
530 621-5390  
FAX 622-3645  
www.edcgov.us/bos/

## Legislation Text

File #: 12-0684, Version: 1

Environmental Management Department recommending the Board adopt Resolution **063-2012** authorizing the Director of said Department to be recognized as the local enforcement agent for Assembly Bill 300 (Safe Body Art Act) including the establishment of the program fee schedule.

**FUNDING:** General Fund Revenue.

**Fiscal Impact/Change to Net County Cost:** Initial annual program revenue from permit fees is estimated to be \$4,950. There is no change in Net County Cost.

	Current Fees	Fees Under AB 300	Est. Revenue
Annual Facility Fee	\$105	\$270	\$4,590
Artist Registration	\$25	\$68	Unknown
Piercing Notification	\$0	\$45	Unknown
New Facility Plan Check	\$0	\$270	Unknown

Fees were calculated based on actual time spent inspecting facilities during 2011 and estimates of time that staff will spend evaluating and reviewing applications required for permits, and documentation of information that is collected by the facility and/or artist required by the Safe Body Art Act.

**Background:** Under existing law Section 1. Chapter 7 (commencing with Section 119300) of Part 15 of Division 104 of the Health and Safety Code, every person engaged in the business of tattooing, body piercing, or permanent cosmetics is required to register with the county in which that business is conducted. Existing law requires that the registrants obtain a copy of the county's sterilization, sanitation, and safety standards, as established by the California Conference of Local Health Officers and distributed by the State Department of Public Health. In compliance with the existing law, the Public Health Department registered artists and the Environmental Management Department (EMD) annually permitted and inspected the Body Art facilities. A one-time registration fee of \$25 was collected by the Public Health Department for individual artists and an annual permit fee of \$105.00 was collected by EMD for established facilities.

As of July 1, 2012, Assembly Bill 300, the Safe Body Art Act (AB 300), repeals the requirements of the existing law, Section 1. Chapter 7 (commencing with Section 119300) of Part 15 of Division 104 of the Health and Safety Code), and adds Section 2, which establishes more stringent requirements for local governments to enforce. The purpose of the new law is to minimize the spread of infectious diseases such as Hepatitis and HIV which have been associated with body art practices. AB 300 places the enforcement and inspection responsibilities on the local governments. In compliance with AB 300, EMD must be designated as the enforcement agency. Also, fees will be assessed to offset the cost of enforcement of the new requirements.

In addition to specifying the enforcement agency, AB 300 prohibits a person from performing body art (defined by the law as body piercing, tattooing, branding, or application of permanent cosmetics) without annual registration with the local enforcement agency. The bill requires practitioners to comply with specified requirements, including collection of client information and questionnaires, vaccinations, blood borne pathogen training, and sanitation. The new law also requires the owner of a body art facility to obtain and annually renew a health permit from the local enforcement agency, and to maintain the body art facility as specified in AB 300.

EMD conducted two workshops in May 2012, one in South Lake Tahoe and one in Placerville, to inform body art practitioners and facility owners of the requirements in the new law. Facility visits have been conducted to provide copies of the new law to practitioners and facility owners, and to answer any questions pertaining to the new requirements.

**Reason for Recommendation:** There are presently seventeen (17) body art facilities in the County and an unknown number of practitioners, which can operate independently or at an established facility. The County is required to enforce the provisions in AB 300 which should make the body art industry safer for both the client and for the artist.

**Action to be taken following Board approval:** Upon execution by the Chair, the Clerk of the Board's Office will forward the resolution to EMD for appropriate action.

Contact: Gerri Silva, MS, REHS, Director of Environmental Management

Concurrences: County Counsel