

CHAPTER 184

HEALTH AND ENVIRONMENT

HOUSE BILL 00-1246

BY REPRESENTATIVES Tupa, Clarke, Coleman, Gagliardi, Johnson, Lawrence, Mace, Plant, Ragsdale, Saliman, and Zimmerman;
also SENATORS Epps, Chlouber, Hernandez, Martinez, and Tebedo.

AN ACT

CONCERNING SAFETY STANDARDS FOR BODY ART FACILITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-1-709 (1) (b), Colorado Revised Statutes, is amended to read:

25-1-709. Regional health departments - services - programs. (1) The program and services of regional health departments shall include to the greatest extent possible, but not be limited to:

(b) Environmental health services, including: Water quality control; sewage disposal; air pollution control; solid wastes disposal; drinking water quality surveillance; restaurant inspection; food sanitation and consumer protection; milk sanitation; rabies control; occupational health; radiological health; noise control; accident prevention; migratory and low income housing sanitation; vector control; swimming pool sanitation; BODY ART FACILITY SANITATION; and plumbing sanitation;

SECTION 2. Article 4 of title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 21
BODY ARTISTS**

25-4-2101. Powers and duties of department - rules. IN ADDITION TO ANY OTHER POWERS AND DUTIES, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL PROMULGATE RULES GOVERNING THE SAFE AND SANITARY PRACTICE OF BODY ART, THE SAFE AND SANITARY PHYSICAL ENVIRONMENT WHERE BODY ART IS PERFORMED, AND THE SAFE AND SANITARY CONDITIONS OF EQUIPMENT UTILIZED IN

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

BODY ART PROCEDURES. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A CITY, COUNTY, LOCAL BOARD OF HEALTH ESTABLISHED PURSUANT TO PART 6 OF ARTICLE 1 OF THIS TITLE, OR A COUNTY OR DISTRICT HEALTH DEPARTMENT ESTABLISHED PURSUANT TO PART 5 OF ARTICLE 1 OF THIS TITLE FROM ADOPTING OR ENFORCING ORDINANCES, RESOLUTIONS, OR RULES THAT IMPOSE STANDARDS FOR BODY ART THAT ARE AT LEAST AS STRINGENT AS THE STANDARDS IMPOSED BY THE RULES ADOPTED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

25-4-2102. Penalties for violations. UPON A FINDING BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR A LOCAL BOARD OF HEALTH THAT A BODY ART FACILITY IS IN VIOLATION OF ANY RULE ADOPTED PURSUANT TO SECTION 25-4-2101, THE DEPARTMENT OR LOCAL BOARD OF HEALTH MAY ASSESS A PENALTY NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS FOR EACH DAY OF A VIOLATION. EACH DAY OF A VIOLATION SHALL BE CONSIDERED A SEPARATE OFFENSE. THE DEPARTMENT OR LOCAL BOARD OF HEALTH SHALL CONSIDER THE DEGREE OF DANGER TO THE PUBLIC CAUSED BY THE VIOLATION, THE DURATION OF THE VIOLATION, AND WHETHER SUCH FACILITY HAS COMMITTED ANY SIMILAR VIOLATIONS.

25-4-2103. Parental consent for minors. NO BODY ARTIST SHALL PERFORM A BODY ART PROCEDURE UPON A MINOR UNLESS THE BODY ARTIST HAS RECEIVED EXPRESS CONSENT FROM THE MINOR'S PARENT OR GUARDIAN. FAILURE TO OBTAIN SUCH PERMISSION BEFORE PERFORMING BODY ART PROCEDURES ON A MINOR SHALL CONSTITUTE A PETTY OFFENSE PUNISHABLE BY A FINE OF TWO HUNDRED FIFTY DOLLARS.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 2000