

69-15-1. Definitions. Each of the following terms, as used in this article, shall have the meaning specified in this regulation:

(a) "Antiseptic" means ~~a chemical germicide used on skin and tissue to stop or inhibit the growth of bacteria~~ products that are labeled as useful in preventing diseases caused by microorganisms present on the skin, mucosa tissue, or in the oral cavity. Antiseptic includes products intended to kill germs or labeled as "antiseptic," "antimicrobial," "antibacterial," "microbicide," or "germicide". These products shall be in compliance with the Federal Food, Drug, and Cosmetic Act as referenced in 21 U.S.C. 321(o).

(b) "Clean" means ~~washed with soap or detergent to remove all soil and dirt~~ "ASTM" means the American Society for Testing and Materials.

(c) ~~"Closed book" means without aid from or availability of written material, including materials stored or accessed on an electronic device~~ "Autoclave" means a device that is intended for use by an establishment to sterilize products by means of pressurized steam. An autoclave shall comply with one of three types of steam programs defined as B, N, and S by standard EN13060, ISO 17665.

(d) ~~"Completed procedure" means, for the purposes of determining qualification for licensure, a tattoo or piercing that has been finished, including any touchups or additional work following initial healing, with the client released from service~~ "Automated instrument washer" means a mechanical device designed specifically for the decontamination of instruments prior to sterilization. These devices shall comply with ISO 158831/2.

(e) "Conch," when used to describe an ear piercing, means the piercing of the concha, which is the deep, bowl-shaped central shell of the ear. "Body art" means body piercing, tattooing, or cosmetic tattooing.

(f) ~~"Disinfectant" means an agent used on inanimate surfaces that is intended to destroy or irreversibly inactivate specific viruses, bacteria, or pathogenic fungi~~ "Clean" means free of visible or surface debris. Clean shall not mean disinfected.

(g) ~~"Enclosed storage area" means a separate room, closet, cupboard, or cabinet.~~ "Communicable disease or condition" means a disease or condition that is diagnosed by a licensed health care professional as being contagious or transmissible and that can be transmitted during the practice of body art.

- (h) ~~“Establishment” means tattoo establishment, body piercing establishment or cosmetic tattooing establishment~~ “Cycle number” means a unique number that corresponds to each individual autoclave cycle. A cycle number is used as an identifier and may include the date as part of the number.
- (i) ~~“Equivalent” means comparable but not identical, and covering the same subject matter~~ “Disinfect” means to destroy pathogenic and other kinds of microorganisms by use of a disinfectant on a clean, nonporous item or surface.
- (j) ~~“Gross incompetence” means a demonstrated lack of ability, knowledge, or fitness to effectively or safely perform services for which one is licensed~~ “Disinfectant” means an EPA-registered antimicrobial product effective against mycobacterium tuberculosis, Human HIV-1 and Hepatitis B Virus or an EPA-registered sodium hypochlorite product. A disinfectant shall be stored and used according to manufacturer’s instructions.
- (k) ~~“Infectious or contagious disease” means any disease that is diagnosed by a licensed health care professional as being contagious or transmissible, as designated in K.A.R. 28-1-2, and that could be transmitted during the performance of cosmetic tattooing, tattooing, or body piercing. Blood-borne diseases, including acquired immune deficiency syndrome or any causative agent thereof, hepatitis B, hepatitis C, and any other disease not transmitted by casual contact, shall not constitute infectious or contagious diseases for the purpose of this article~~ “Establishment” means any place where body art is practiced, whether licensed or not.
- (l) ~~“Instruments” means needles, probes, forceps, hemostats, or tweezers~~ “Equipment” means all machinery, containers, vessels, tools, devices, implements, storage areas, and sinks that are used in conjunction with the storage or application of body art by a practitioner, or used within the sterilization, decontamination and disinfection processes.
- (m) ~~“Labret,” when used to describe a piercing, means the piercing of the lips or the area immediately around the lips~~ “Gloves” means medical grade or exam grade, sterile or nonsterile, disposable, single-use, full hand coverings worn for protection against disease transmission.
- (n) ~~“Linens” means cloths or towels used for draping or protecting a table or similar functions~~ “Gross incompetence” means a demonstrated lack of ability, knowledge, or fitness to effectively or safely perform procedures by a practitioner.
- (o) ~~“Lower labret,” when used to describe a piercing, means the piercing of the lower lip or the area immediately around the lower lip~~ “Hand sanitizer” means a commercial, nontoxic antiseptic

preparation that contains at least 60% ethyl or isopropyl alcohol or an active ingredient that is at least as effective.

~~(p) “Needle” has the meaning specified in K.S.A. 65-1940, and amendments thereto~~

"Instruments" means handpieces, needles, needle bars, forceps, and other tools that may come in contact with a client or could be exposed to bodily fluids during body art procedures.

~~(q) “Needle bar” means the metal device used to attach the needle to a tattoo machine~~

“Integrator” means a type of chemical indicator used to check physical parameters of a sterilization cycle, including but not limited to temperature, pressure and time.

~~(r) “Official transcript” means a document certified by a school accredited by the Kansas board of regents or equivalent regulatory institution in another state or jurisdiction, indicating the hours and types of coursework, examinations, and scores that were completed by a student~~ “ISO” means the International Standards Organization.

~~(s) “Piercing gun” means a hand held tool manufactured exclusively for piercing the earlobe, into which studs and clutches are placed and inserted into the earlobe by a hand-squeezed or spring-loaded action to create a permanent hole. The tool shall be made of plastic, stainless steel, or a disposable material~~ "Linens" means reusable cloths or towels used for draping or protecting a person or surface.

~~(t) “Place or places of business” means each name, mailing address, and location, not a post office box, where the licensee or applicant for license performs services~~ “Lot number” or “Batch number” means an identification number assigned to a quantity, batch or lot of a product from a single manufacturer.

~~(u) “Protective gloves” means gloves made of vinyl nitrile or latex~~ "Needle" has the meaning specified in K.S.A. 65-1940, and amendments thereto.

~~(v) “Public view” means open to view and easy for the public to see~~ “OPIM” means other potentially infectious materials.

~~(w) “Repigmentation” means any of the following:~~

~~(1) Recoloration of the skin as a result of any of the following:~~

~~(A) Dermabrasion, chemical peels, removal or resolution of birthmarks, vitiligo, or other skin conditions that result in the loss of melanin to the skin;~~

~~(B) scars resulting from surgical procedures, including face lifts, mole or wart removal, or cauterization; or~~

~~(C) burn grafts and other skin irregularities resulting from burns or photo damage;~~
~~(2) recreation of an areola or nipple, following mastectomy; or~~
~~(3) use of cheek blush or other blending of pigments into skin in order to camouflage blotchy or irregularly pigmented skin~~ “Permanent cosmetics” means cosmetic tattooing as defined in K.S.A. 65-1940.

~~(x) “Rook,” when used to describe an ear piercing, means the piercing of the upper portion of the antihelix~~ “Piercing gun” means a hand-held tool into which studs and clutches are placed and inserted by a hand-squeezed or spring-loaded action to create a permanent hole. The tool shall be made of plastic, stainless steel, or a disposable material.

~~(y) “Sanitization” means effective bactericidal treatment by a process that reduces the bacterial count, including pathogens, to a safe level on equipment~~ “Practitioner” means a person who practices body art, whether licensed or not.

~~(z) “Sharps” means any object that can penetrate the skin, including needles, scalpel blades, lancets, glass tubes that could be broken during handling, razors, and syringes that have been removed from their original, sterile containers~~ “Procedure” means the act of performing body art.

~~(aa) “Sharps container” means a puncture-resistant, leakproof container that can be closed for handling, storage, transportation, and disposal. The container shall be red and shall be labeled with the “biohazard” symbol~~ “Procedure area” means a room, a portion of a room, or any surface that is designated to be used to perform body art.

~~(bb) “Single-use,” when used to describe products or items, means that the products or items, including cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze, and sanitary coverings, are disposed of after each use~~ “Procedure site” means the area or location on the client’s body selected for the placement of body art.

~~(cc) “Snug,” when used to describe an ear piercing, means the horizontal piercing of the vertical portion of the antihelix~~ “Processing room” means a combination of disinfection and sterilization for designated establishments that require sterilization.

~~(dd) “Sterilization” means destruction of all forms of microbiotic life, including spores~~
“Repigmentation” means any of the following:

(1) Recoloration of the skin as a result of any of the following:

(A) Dermabrasion, chemical peels, removal or resolution of birthmarks, vitiligo, or other skin conditions that result in the loss of melanin to the skin;

(B) scars resulting from surgical procedures, including face-lifts, mole or wart removal, or cauterization; or

(C) burn grafts and other skin irregularities resulting from burns or photo damage;

(2) recreation of an areola or nipple, following mastectomy; or

(3) use of cheek blush or other blending of pigments into skin in order to camouflage blotchy or irregularly pigmented skin.

(cc) “Universal precautions” means a method of infection control approved by the United States centers for disease control and prevention (CDC), in which all human blood and certain bodily fluids are handled as if the blood and bodily fluids were known to be infected with a blood-borne pathogen “Sharps” means any objects that can purposely or accidentally cut or penetrate the skin or mucosa, including but not limited to presterilized, single-use needles, scalpel blades, and razor blades.

(ff) “Sharps container” means a puncture-resistant, leakproof container that can be closed for handling, storage, transportation, and disposal. The container shall be labeled with the “biohazard” symbol and registered with the Food and Drug Administration.

(gg) “Single-use,” means products or items that are intended for one-time, one-person use, including cotton swabs or cotton balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups, and gloves.

(hh) “Sterilization” means destruction of all forms of microbiotic life, including spores, as specified by the International Organization for Standardization 11139.

(ii) “Standard precautions” means a set of infection control practices used to prevent transmission of diseases that can be acquired by contact with blood, body fluids, nonintact skin (including rashes), and mucous membranes. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious. (Authorized by K.S.A. 2014 Supp. 65-1946 and K.S.A. 74-2702a; implementing K.S.A. 2014 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997; amended June 6, 2014; amended Sept. 18, 2015.)

69-15-15. Cosmetic tattoo artist, tattoo artist, and body piercer practice standards;

restrictions. (a) ~~Cosmetic tattoo artists, tattoo artists, and body piercers~~ Practitioners shall not practice body art at any location other than a licensed establishment.

(b) Each ~~licensee practitioner~~ shall keep an individual record, either in written or electronic form, of each client for at least ~~five years~~ one year. Each record shall include the name, telephone number and address of the client, the date ~~and duration~~ of each service procedure, ~~the type of identification presented~~, and the type of services procedures provided.

(c) Each ~~licensee practitioner~~ shall give ~~preservice~~ information in written or electronic form to ~~the~~ each client to advise of possible reactions, side effects, potential complications of the tattooing process procedure, ~~and any special instructions relating to the client's medical or skin conditions~~, including the following:

- (1) Diabetes;
- (2) allergies;
- (3) cold sores and fever blisters;
- (4) epilepsy;
- (5) heart conditions;
- (6) hemophilia;
- (7) hepatitis;
- (8) HIV or AIDS;
- (9) medication that thins the blood;
- (10) moles or freckles at the site of service procedure site;
- (11) psoriasis or eczema;
- (12) pregnant or nursing women;
- (13) scarring; ~~and~~
- (14) tuberculosis; and
- ~~(14)~~ (15) any other medical or skin conditions.

(d) Each ~~licensee practitioner~~ shall give aftercare instructions to ~~the~~ each client, both verbally and in writing written or electronic form after every service for each procedure.

~~(e) Each licensee providing tattoo or cosmetic tattoo services for corrective procedures shall take photographs before and after service. These photographs shall be maintained according to subsection (b).~~

(f) Each ~~licensee practitioner~~ shall purchase ink, dyes, or pigments from a supplier or manufacturer. No ~~licensee practitioner~~ shall use products banned, recalled or restricted by the United States food and drug administration (FDA) for use in tattooing and ~~permanent color cosmetic tattooing~~.

(g) ~~A licensee practitioner shall not perform tattooing or body piercing cosmetic tattooing for any of the following individuals~~ Jewelry used for initial piercings shall meet the following standards:

(1) ~~A person who is inebriated or appears to be incapacitated by the use of alcohol or drugs;~~
Material that meets ASTM or ISO standards for implantation.

(2) ~~any person who shows signs of recent intravenous drug use;~~ Gold jewelry shall be solid 14 karat or higher yellow, white, or rose gold that is nickel free and cadmium free. Plating shall not be used unless using materials approved by this standard over solid 14 karat or higher yellow, white, or rose gold that also meet this ASTM or ISO standards for implantation.

(3) ~~a person with sunburn or other skin diseases or disorders, including open lesions, rashes, wounds, or puncture marks;~~ or Platinum jewelry shall be solid unalloyed or alloyed that is nickel free and cadmium free.

(4) ~~any person with psoriasis or eczema present in the treatment area with other skin diseases or disorders, including open lesions, rashes or puncture marks at the procedure site~~ Unalloyed niobium (Nb) that is ASTM B392 compliant.

(5) Glass shall be lead free.

(6) All threaded jewelry shall have internal tapping (no threads on exterior of posts and barbells).

(7) For body jewelry purposes, surfaces and ends must be smooth, free of nicks, scratches, burrs, stamps, hallmarks, and polishing compounds.

(h) ~~Use of the piercing gun to pierce shall be prohibited on all parts of the body, except the ear lobe~~ Receipts for jewelry purchased for initial piercings shall:

(1) Be retained for a minimum of three years. Records shall be kept on premises, either in written or electronic form, for a minimum of one year. All three years of records shall be available to the board upon request.

(2) List specifications for materials sold as described in subsection (g).

(i) ~~Use of personal client jewelry or any apparatus or device presented by the client for use during the initial body piercing shall be prohibited. Each establishment shall provide presterilized jewelry, apparatuses, or devices, which shall have metallic content recognized as~~

~~compatible with piercing services~~ Each material certificate from jewelry suppliers for jewelry used for initial piercings shall:

- (1) Be updated from the supplier for each new lot of material.
 - (2) Be retained for a minimum of three years. Records shall be kept on premises, either in written or electronic form, for a minimum of one year. All three years of records must be available to the board upon request.
 - (3) Include the following information:
 - (A) name of purchaser of material;
 - (B) name of seller of material;
 - (C) date of material sales;
 - (D) type of material purchased;
 - (E) composition of material purchased;
 - (F) quantity of material purchased; and
 - (G) country of origin of material.
 - ~~(j) No licensee afflicted with an infectious or contagious disease, as defined in K.A.R. 69-15-1, shall be permitted to work or train in a school or an establishment.~~
 - ~~(k) No school or establishment shall knowingly require or permit a student or licensee to provide tattooing, cosmetic tattooing, or body piercing services for a person who has any infectious or contagious disease, as defined in K.A.R. 69-15-1.~~
- (Authorized by K.S.A. 2012 Supp. 65-1946 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1946; effective Aug. 22, 1997; amended Feb. 14, 2014.)

69-15-16. Facility Establishment standards. ~~All facilities~~ Each establishment shall meet the following: ~~criteria.~~

(a) All areas shall be kept clean and in good repair.

(b) All surfaces, including counters, tables, equipment, client chairs, or recliners, ~~that are in each treatment procedure area and sterilization areas~~ processing room shall be made of smooth, nonabsorbent, and nonporous material.

(c) ~~Surfaces or blood spills shall be cleaned using an EPA registered, hospital-grade disinfectant.~~ After each procedure, all surfaces that came into contact with a client or practitioner during the procedure, including electronic tablets, armrests, chairs, tables, and lamps, shall be cleaned and disinfected.

(d) The water and plumbing fixtures in the facility each establishment shall include easy access to a sink with hot and cold running water, ~~as part of the surrounding premises or adjacent to the facility but separate from a public restroom.~~

(e) ~~Toilet facilities shall be kept clean and in good working order at all times. Each toilet shall have a handwashing sink and a soap dispenser with disposable towels or an air dryer for hands~~ Each establishment licensed on or after DATE, if reusable instruments are used in a body art establishment, shall have the following:

(A) a separate processing room;

(B) a sink used only for cleaning contaminated instruments. This sink shall not be used for hand washing;

(C) a covered ultrasonic unit or automated instrument washer.

(f) ~~The facility shall be equipped with adequate and sufficient artificial or natural lighting, providing at least 10 foot candles of light at the work station or table, used at all times during which business is being conducted~~ No other procedures, including but not limited to body art or retail sales, shall occur within each processing room.

(g) ~~The facility shall be well ventilated with natural or mechanical methods that remove or exhaust fumes, vapors, or dust in order to prevent hazardous conditions from occurring or to allow the free flow of air in a room in proportion to the size of the room and the capacity of the room.~~ The covered ultrasonic unit and the sink used for rinsing and scrubbing contaminated instruments must be separated from the autoclave to prevent cross contamination. If space is a problem, a nonporous barrier or cabinet shall be used to prevent cross contamination.

~~(h) A proprietor or person in charge of the facility may designate the entire area as a nonsmoking area. A designated smoking area means any area set aside by a proprietor or person in charge of a public place where tobacco smoking is permitted and where a sign indicates the same. No person shall smoke or carry any lighted smoking device in a public place except in designated smoking areas. No facility shall be designated in its entirety as a smoking area. "Public place" means any enclosed indoor area open to and frequented by the public. "Open to and frequented by the public" means any area where the public can freely enter or move without special invitation~~ Each establishment licensed on or after DATE shall have a separate handwashing sink for practitioners, which is separate from the restroom sink.

~~(i) If a room used for residential purposes is the same room or adjacent to a room used for the practice of permanent color, tattooing, or body piercing, then a solid partition shall separate the premises used for residential purposes from the tattooing and piercing area. The partition may contain a door, provided it remains closed, except for entering and leaving~~ Each establishment licensed on or after DATE shall have a separate restroom with a sink, soap dispenser, and single-use towels.

~~(j) If a room used for any business purposes other than permanent color, tattooing, or body piercing is the same room or is adjacent to a room used for the practice of permanent color, tattooing, or body piercing, then the board may require that one or more of the following requirements be satisfied if there are conditions that the board considers a possible threat to the health of the employees, the customers, or the public:~~

~~1. A solid partition shall separate the premises used for other business purposes from the permanent color, tattooing, or body piercing area. The partition may contain a door, provided it remains closed except for entering and leaving.~~

~~2. A separate outside entrance shall be provided for the facility~~ Restrooms shall be kept clean and in good working order at all times.

~~(k) Pets or other animals shall not be permitted in the business facility. This prohibition shall not apply to registered therapy animals; trained guide animals for the disabled, sightless, or hearing impaired; or fish in aquariums~~ Each establishment shall be equipped with adequate and sufficient artificial or natural lighting, providing at least 10 foot-candles of light at the work station or table.

(l) Each establishment shall be well ventilated with natural or mechanical methods that remove

or exhaust fumes, vapors, or dust in order to prevent hazardous conditions from occurring or to allow the free flow of air in a room in proportion to the size of the room and the capacity of the room.

(m) If a room used for residential purposes is adjacent to a room used for the practice of body art then a solid partition shall separate the premises used for residential purposes from the ~~tattooing and piercing~~ procedure area. The partition may contain a door, provided it remains closed, except for entering and leaving.

(n) If a room used for any business purposes other than body art is the same room or is adjacent to a room used for the practice of body art, and if the board, upon consultation with the secretary of health and environment, determines that the proximity of the licensed or nonlicensed activities poses a possible threat to the health of the employees, the clients, or the public, the owner of the establishment shall mitigate the risk as directed by the board, including by meeting one or both of the following requirements:

(1) A solid partition shall separate the premises used for other business purposes from the ~~permanent color, tattooing, cosmetic tattooing or body piercing~~ body art procedure area. The partition may contain a door, provided it remains closed except for entering and leaving.

(2) A separate outside entrance shall be provided for the establishment.

(o) Pets and any other animals shall be prohibited from the establishment. This does not apply to any assistance dog, as defined in K.S.A. 39-1113 and amendments thereto.

(Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.)

69-15-17. ~~Required equipment~~ Prohibitions.

(a) ~~Each cosmetic tattoo artist or tattoo artist shall maintain the following equipment at the establishment~~ Each practitioner shall not perform tattooing or cosmetic tattooing for:

- (1) ~~A tattoo machine or hand pieces of nonporous material that can be sanitized~~ Any person who is inebriated or appears to be incapacitated by the use of alcohol or drugs;
- (2) ~~stainless steel or carbon needles and needle bars~~ any person who shows signs of recent intravenous drug use;
- (3) ~~stainless steel, brass, or medical grade plastic tubes that can be sterilized~~ any person with sunburn; or
- (4) ~~sterilization bags with color strip indicators, if the establishment does not use disposable implements;~~ any person with other skin diseases or disorders, including open lesions, rashes or puncture marks at the procedure site.
- (5) ~~single use protective gloves;~~
- (6) ~~single use razors or straight razors;~~
- (7) ~~single use towels, tissues, or paper products;~~
- (8) ~~a sharps container and biohazard waste bags;~~
- (9) ~~approved inks, dyes, and pigments, as required by K.A.R. 69-15-15;~~
- (10) ~~approved equipment for cleaning and sterilizing instruments at the establishment, as required by K.A.R. 69-15-18 and 69-15-20;~~
- (11) ~~spore tests, as required by K.A.R. 69-15-20; and~~
- (12) ~~body arts industry accepted ointment or lubricant.~~

(b) ~~Each body piercer shall maintain the following equipment at the establishment~~ Each practitioner shall not perform body piercing for:

- (1) ~~Single use stainless steel needles~~ Any person who is inebriated or appears to be incapacitated by the use of alcohol or drugs
- (2) ~~sterilization bags with color strip indicators, if the establishment does not use disposable implements~~ any person who shows signs of recent intravenous drug use;
- (3) ~~single use protective gloves~~ any person with sunburn; or
- (4) ~~single use towels, tissues, or paper products;~~ any person with other skin diseases or disorders, including open lesions, rashes or puncture marks at the procedure site.
- (5) ~~a sharps container and biohazard waste bags;~~

~~(6) approved equipment for cleaning and sterilizing instruments, as required by K.A.R. 69-15-18 and 69-15-20;~~

~~(7) a piercing table or chair of nonporous material that can be sanitized;~~

~~(8) a covered trash receptacle;~~

~~(9) spore tests, as required by K.A.R. 69-15-20;~~

~~(10) forceps that can be sterilized;~~

~~(11) pliers of various sizes, made of material that can be sterilized;~~

~~(12) bleach or hard surface disinfectants;~~

~~(13) antibacterial hand soap;~~

~~(14) jewelry disinfectant; and~~

~~(15) body arts industry accepted ointment or lubricant.~~

(c) Practitioners shall not use piercing guns.

(d) Practitioners shall not use personal client jewelry, or any apparatus or device presented by the client for use during the initial body piercing procedure.

(e) Establishments shall not use linens.

(f) Practitioners shall not save, reclaim or pour back unused inks or pigments that have been dispensed during a procedure.

(g) Practitioners shall not use styptic pencils or alum solids.

(h) Practitioners who have open sores or bleeding lesions on their hands shall not have client contact until the lesions have healed to the scab phase. Each practitioner shall cover them with gloves or impervious bandages prior to contact with clients.

(i) No person shall smoke or vape within each establishment.

(j) No practitioner afflicted with a communicable disease or condition, as defined in K.A.R. 69-15-1, shall be permitted to work or train in an establishment.

(k) No establishment shall knowingly require or permit an apprentice or licensee practitioner to provide tattooing, cosmetic tattooing, or body piercing services for a person who has any communicable disease or condition, as defined in K.A.R. 69-15-1.

(Authorized by K.S.A. 2012 Supp. 65-1946 and K.S.A. 74-2702a; implementing K.S.A. 2012 Supp. 65-1946; effective Aug. 22, 1997; amended Feb. 14, 2014.)

69-15-18. Cleaning Processing methods for contaminated and potentially contaminated instruments methods prior to sterilization.

~~(a) Each practitioner shall clean all nonelectrical instruments prior to sterilizing by brushing or swabbing to remove foreign material or debris, rinsing, and then performing either of the following steps:~~

~~(1) Immersing them in detergent and water in an ultrasonic unit that operates at 40 to 60 hertz, followed by a thorough rinsing and wiping; or~~ Prior to sterilization, contaminated and potentially contaminated nonelectrical instruments shall be processed by one of the following:

(A) Using an automated instrument washer according to manufacturer's instructions.

(B) then visually examining nonelectrical instruments and repeating subsection (a)(1)(A) if debris is visible, or;

~~(2) submerging and soaking them in a protein-dissolving detergent or enzyme cleaner, followed by a thorough rinsing and wiping.~~

(A) treating the nonelectrical instruments with an enzymatic or other protein-dissolving solution and then:

(i) scrubbing to remove debris;

(ii) rinsing; and

(iii) visually examining and repeating subsection (a)(2)(A) if debris is visible.

(B) then using an ultrasonic unit according to manufacturer's instructions;

(i) rinsing;

(ii) drying; and

(iii) visually examining and repeating subsection (a)(2)(B) if debris is visible.

~~(b) For all electrical instruments, each practitioner shall perform the following~~ Prior to use, contaminated and potentially contaminated instruments with electric components shall be:

(1) visually examined for debris;

(2) cleaned; and

~~(1) First remove all foreign matter; and~~

~~(2) (3) disinfected~~ disinfect with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions.

(Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.)

69-15-19. Instrument storage prior to sterilization standards. ~~(a) The practitioner shall place cleaned instruments used in the practice of tattooing or piercing in sterile bags, with color strip indicators, and shall sterilize the instruments by exposure to one cycle of an approved sterilizer, in accordance with K.A.R. 69-15-20. After being cleaned, all reusable instruments used for body art shall be sterilized by one of the following methods:~~

(a) Contained in sterilization packaging and subsequently sterilized, with the date and cycle number noted on packaging or indicator strips.

(1) This information must match up with the sterilization log.

(2) All sterilization packaging must have a color-changing chemical indicator.

~~(b) The provisions of this regulation shall not apply to electrical instruments. Unwrapped and subsequently sterilized, stored, and sterilized again immediately prior to use. Afterward, sterilized instruments shall be stored in a cabinet, drawer, or tightly covered container reserved for the storage of sterilized instruments only. (Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946 and 65-1949; effective Aug. 22, 1997.)~~

69-15-20. ~~Approved sterilization mode~~ Sterilization process. (a) Instruments Sterilized instruments used in the practice of ~~permanent color, tattoo artist services, or body piercing~~ body art shall be ~~sterilized, using one of the following methods:~~

(1) ~~In a steam or chemical autoclave sterilizer, registered and listed with the federal food and drug administration, and used, cleaned, and maintained according to manufacturer's directions~~ Sourced from a manufacturer, single-use, prepackaged, and marked with the lot or batch number;
or

(2) ~~with single-use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers~~ Processed in the establishment with an autoclave registered and listed with the federal food and drug administration and used, cleaned, and maintained according to manufacturer's instructions.

(b) ~~Practitioners shall sterilize all piercing instruments that have or may come in direct contact with a client's skin or be exposed to blood or body fluids. Piercing needles shall not be reused. All piercing needles shall be single use.~~

(c) ~~All sterilizing devices~~ (1) If autoclaves are used, each autoclave in service shall be tested on a regular basis for proper functionality and thorough sterilization by use of the following means:

(1) ~~Chemical indicators that change color, to assure sufficient temperature and proper functioning of equipment during the~~ (A) Color changing class V or greater integrator in each sterilization cycle; and

(2) (B) a third party biological monitoring system using commercially prepared spores, to assure that all microorganisms have been destroyed and sterilization has been achieved. This testing shall be performed weekly every three months for tattoo and body piercing facilities.

(2) Sterile equipment and instruments shall not be used if the package has been compromised.

(3) Sterile equipment and instruments shall not be used after the expiration date without first reprocessing and re-sterilizing.

(d) (c) ~~Chemical and biological indicator~~ Spore test results shall be kept on premises, either in written or electronic form, for a minimum of one year. All three years of test results shall be available to the board upon request made available at the facility establishment at all times for inspection by the board compliance officers.

(e) ~~Practicing permanent color, tattoo, and body piercing facilities shall submit to an inspection at least once every year, in order to determine compliance with requirements of the statute and~~

~~with sanitation and sterilization practices.~~ (Authorized by K.S.A. 1996 Supp. 74-2702a and implementing K.S.A. 1996 Supp. 65-1946, 65-1948, and 65-1949; effective Aug. 22, 1997.)

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69-15-21. Handwashing and protective gloves. ~~(a) Prior to and immediately following administering services to a client, all licensees and individuals being trained by licensed permanent color technicians, tattoo artists, and body piercing technicians shall thoroughly wash their hands and nails in hot, running water with soap and rinse them in clean, warm water~~ Practitioners shall maintain hair, skin, and clothes that are free of visible debris and keep fingernails less than 1/8-inch-long with smooth, filed edges to allow thorough cleaning and prevent glove tears. Practitioners shall not wear artificial fingernails or extenders. Nail polish shall be intact without chips or cracks.

~~(b) All licensees and individuals being trained by licensed permanent color technicians, tattoo artists, and body piercing technicians shall wear protective gloves during services. Protective gloves shall be disposed of immediately following service~~ Before and after each procedure, each practitioner shall thoroughly wash their hands as follows:

(1) Remove all jewelry from the elbow down and ensure no clothing is worn below the elbows.

(2) Turn on warm water, wet hands, and apply soap.

(3) Remove all debris from under nails.

(4) Rub hands together to make a soapy lather for at least 20 seconds.

(5) Include all fingers, wash between fingers, thumbs, nails, cuticles, wrists, palm to palm, and the top of hands.

(6) Rinse hands, wrists and arms thoroughly.

(7) Pat hands, wrists, and arms dry with a new, single-use paper towel.

(8) Use a new single-use paper towel to turn off the handles of the sink if not using an automatic sink.

(c) Each practitioner shall wear gloves at all times when coming in contact with a client during a procedure. Gloves shall be immediately disposed of and each practitioner's hands shall be washed after each procedure or when gloves are torn, punctured, or otherwise compromised, or at any other time when necessary to prevent cross contamination.

(d) Each practitioner shall wear gloves at all times when cleaning a procedure site and bandaging a client.

(e) Hand sanitizer may be used in between hand washing, in between glove changes when gloves are not compromised, or when blood or OPIM is not present. Using hand sanitizer is not an

alternative for hand washing. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

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~~69-15-22. Linens. (a) Each practitioner shall use clean linens for each client.~~

~~(b) A common towel shall be prohibited.~~

~~(c) Air blowers may be substituted for hand towels.~~

~~(d) Each practitioner shall store clean linens, tissues, or single-use paper products in a clean, enclosed storage area until needed for immediate use.~~

~~(e) Each practitioner shall dispose of or store used linens in a closed or covered container until laundered.~~

~~(f) Each practitioner shall launder used linens either by a regular, commercial laundering or by a noncommercial laundering process that includes immersion in water at 160 degrees Fahrenheit for not less than 15 minutes during the washing and rinsing operations. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)~~

- 69-15-23. ~~Clean instruments~~ Instruments and products single-use storage.** (a) ~~Before use, disposable products~~ Prior to use, single-use items that come in contact with the areas to be treated shall be stored in a clean cabinet, drawer, or tightly covered container ~~clean containers~~ that ~~can~~ shall be closed between ~~procedures~~ treatments.
- (b) ~~Clean, sterilized reusable instruments that come in contact with the areas to be treated shall be stored in clean, sterilized containers.~~ Packaged and sterilized instruments shall be stored in a clean cabinet, drawer, or tightly covered container reserved for sterilized instruments only.
- (c) ~~Clean, sterilized reusable transfer instruments, including forceps, trays, and tweezers, shall be stored in a clean, dry, sterilized container.~~ (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-24. Chemical storage. ~~Each practitioner shall store chemicals in labeled, closed containers in an enclosed storage area. All bottles containing poisonous or caustic substances shall be additionally and distinctly marked as such and shall be stored in an area not open to the public.~~ (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

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- 69-15-25. Handling ~~disposable material~~ body art procedure waste.** (a) ~~Each practitioner shall dispose of disposable materials coming into contact with blood, body fluids, or both, in a sealable plastic bag that is separate from sealable trash or garbage liners or in a manner that protects not only the licensee and the client, but also others who may come into contact with the material, including sanitation workers~~ Sharp objects shall be disposed of, intact as used, into a sharps container immediately after use. This waste shall be disposed of using a medical waste contractor or mail-in medical waste service. If neither of these methods is feasible, fill the sharps container with a medical waste solidifier prior to disposal. Each establishment shall maintain documentation of medical waste disposal for at least three years.
- (b) ~~Disposable, sharp objects that come in contact with blood or body fluids shall be disposed of in a sealable, rigid, puncture-proof container that is strong enough to protect the licensee, client, and others from accidental cuts or puncture wounds that could happen during the disposal process~~ Waste generated during a body art procedure shall be disposed of in the waste receptacle in the procedure area in a manner to minimize exposure. This waste shall be disposed of in accordance with local ordinances and regulations.
- (c) ~~Licensees shall have either sealable plastic bags or sealable rigid containers available at the facility.~~
- (d) ~~Each practitioner shall follow universal precautions in all cases. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)~~

69-15-26. Waste receptacles. (a) ~~The practitioner shall deposit all waste material related to treatment in a covered container, following service for each client~~ A lined, covered waste receptacle shall be provided in every procedure area and restroom. Each waste receptacle shall be cleanable, kept clean, and have self-closing lids with hands-free controls. The lid may remain open while procedures are being provided. Each waste receptacle shall be emptied when full and at the end of each work day. Municipal solid waste removal must meet all local and state regulations.

(b) ~~Waste disposed in a reception area and restrooms shall be limited only to materials that are not used in providing services to the client or are practice related~~ The practitioner shall deposit all waste material related to the procedure in a covered container after each procedure.

(c) ~~Waste disposal containers shall be kept clean. Waste disposed of in reception areas and restrooms shall be limited only to materials that are not used in procedures or are practice related.~~ (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-27. Permanent-color Cosmetic tattoo and tattoo procedures. (a) ~~Permanent-color technicians and tattoo artists shall dispense all substances from containers in a manner that prevents contamination of the unused portion. A spray bottle to apply liquid to skin may be used. Single-use tubes or containers and applicators shall be discarded following the tattoo service~~ All products shall be dispensed from containers in a manner that prevents contamination of the unused portion. The dispensed portion of each product shall be single-use and shall be disposed of immediately after each procedure.

(b) ~~Paper stencils, and skin scribes shall be single-use and shall be disposed of immediately following service~~ Before each procedure, each practitioner shall clean the procedure site with an antiseptic solution intended for that purpose in a manner that prevents contamination.

(c) ~~The practitioner shall remove the tip of each body pencil used during a tattoo service, shall disinfect the body and tip of the pen, and shall sharpen the tip to remove the exposed edge~~ If the procedure site is shaved, the practitioner shall use a single-use razor. Each razor shall be placed into a sharps container immediately after each procedure.

(d) ~~The plastic or acetate stencil used to transfer the design to the client's skin shall be thoroughly cleansed and rinsed in an EPA-approved germicidal solution, according to the manufacturer's instructions, and then dried with a clean, single-use paper product~~ Any instrument used to mark a procedure site, including but not limited to paper stencils, pencils, pens and markers, shall be single-use and shall be disposed of immediately after each procedure.

(e) ~~Individual portions of inks, dyes, or pigments in clean, single-use containers shall be used for each client. Any remaining unused dye or pigments shall be discarded immediately following service~~ The plastic or acetate stencil used to transfer the design to the client's skin shall be thoroughly cleaned and disinfected immediately after each procedure.

(f) ~~Excess ink, dye, or pigment applied to the client's skin shall be removed with a clean, single-use paper product obtained from a self-dispensing container~~ Inks or pigments to be used during a procedure shall be dispensed into or purchased in single-use containers. All remaining inks or pigments shall be discarded immediately after each procedure.

(g) ~~Use of styptic pencils or alum solids to check any blood flow shall be prohibited~~ Excess ink or pigment applied to the client's skin shall be removed with a clean, single-use product.

(h) Upon completion of ~~tattooing a procedure, the~~ each practitioner shall ~~cleanse~~ clean the skin, excluding the area surrounding the eyes, ~~with a clean, single-use paper product saturated with an EPA approved germicidal solution~~ antiseptic solution intended for that purpose.

(i) ~~A sanitary covering shall be placed over designs and adhered to the skin with suitable skin tape. If a bandage is used, a single-use product intended for wound care or body art shall be used.~~

(j) Each practitioner shall provide aftercare instructions, which that shall consist of both verbal and written or electronic, instructions concerning proper care of the ~~tattooed skin~~ procedure site and surrounding area, possible side effects and restrictions. Instructions shall specify the following information:

- ~~(1) Care following service;~~
- ~~(2) possible side effects; and~~
- ~~(3) restrictions.~~

(Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-28. Preparation and aftercare of treatment area on client. ~~(a) Permanent color technicians and tattoo artists shall cleanse the client's skin, excluding the areas surrounding the eyes, by washing with an EPA approved germicidal solution applied with a clean, single use paper product, before placing the design on the client's skin or beginning tattooing work.~~

~~(b) If the area is to be shaved, the licensee shall use a single use, disposable safety razor or sterilized straight edged razor, and then rewash the client's skin.~~

~~(c) Substances applied to the client's skin to transfer the design from stencil or paper shall be single use.~~

~~(d) Aftercare shall be administered to each client following service, as stated in K.A.R. 69-15-27.~~

(Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)

69-15-29. Body piercing procedures. ~~Body piercing technicians shall be responsible for adhering to the following standards while serving clients in the facility.~~

~~(a) Each technician shall observe and follow thorough handwashing procedures with soap and water or an equivalent handwashing product before and after serving each client and as needed to prevent cross contamination or transmission of body fluids, infections or exposure to service-related wastes or chemicals. All products shall be dispensed from containers in a manner that prevents contamination of the unused portion. The dispensed portion of each product shall be single-use and shall be disposed of immediately after each procedure.~~

~~(b) Before each procedure, Each technician each practitioner shall cleanse clean the client's skin procedure site, excluding the areas surrounding the eyes, by washing it with an FDA-registered antiseptic solution intended for that purpose in a manner that prevents contamination applied with a clean, single-use paper product before and after piercing the client's skin.~~

~~(c) All substances shall be dispensed from containers in a manner to prevent contamination of the unused portion. Single-use tubes or containers and applicators shall be discarded following the piercing service. If the procedure site is shaved, the practitioner shall use a single-use razor. Each razor shall be placed into a sharps container immediately after each procedure.~~

~~(d) Any type of marking pen used by the technician shall be applied on cleansed skin only or shall be a surgical marking pen sanitized by design, including alcohol-based ink pens. The technician shall remove the tip of each body pencil used during a piercing, shall disinfect the body and the tip of the pencil, and shall sharpen the tip to remove the exposed edge. Any instrument used to mark a procedure site, including but not limited to paper stencils, pencils, pens and markers, shall be single-use and shall be disposed of immediately after each procedure.~~

~~(e) Use of styptic pencils or alum solids to control blood flow shall be prohibited.~~

~~If a bandage is used, a single-use product intended for wound care or body art shall be used.~~

~~(f) Aftercare shall be administered to each client following service. Each practitioner shall provide aftercare instructions, that Aftercare shall consist of both verbal and written or electronic, instructions concerning proper care of the pierced area procedure site and surrounding area, possible side effects or allergic reactions, and restrictions. Instructions shall specify the following information:~~

~~(1) Care following service;~~

~~(2) possible side effects; and~~

~~(3) restrictions.~~

~~(g) Technicians who have open sores or bleeding lesions on their hands shall not have client contact until the lesions have healed to the scab phase. Each technician shall cover them with protective gloves or impervious bandages prior to contact with clients.~~

~~(h) Technicians shall wear eye goggles, shields, or masks if spattering is likely to occur while providing services. (Authorized by and implementing L. 1996, Ch. 138, Sec. 7; effective Aug. 22, 1997.)~~

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69-15-30. Fees. The following fees shall be charged:

Examination fees

Examination application.....\$50.00

Written examination.....75.00

Practical examination.....75.00

Practitioner fees

Apprentice license.....15.00

Initial license application.....50.00

License renewal.....50.00

Trainer license.....15.00

Delinquent license.....25.00

Renewal application.....100.00

Duplicate license.....25.00

Establishment license fees

Establishment license application.....50.00

Establishment license renewal.....50.00

Delinquent establishment.....30.00

Duplicate license.....25.00

(Authorized by K.S.A. 2014 Supp. 65-1950 and K.S.A. 74-2702a; implementing K.S.A. 2014 Supp. 65-1943 and 65-1950; effective Aug. 22, 1997; amended June 6, 2014; amended Sept. 18, 2015.)