NEW TRAINING REQUIREMENTS UNDER CALIFORNIA'S SAFE BODY ART ACT (AB 300) OF 2011

January 20, 2012

This information is intended to provide information on the new training requirements in the Safe Body Art Act of 2011.

The safe body art training being offered by The California Association of Environmental Health Administrators (CAEHA), Health Officers Association of California (HOAC), Association of Professional Piercers (APP' and Alliance of Professional Tattooists (APT) is has been designed to instruct regulators, body art practitioners and interested parties on the requirements of the new law. The training will provide Continuing Education Contact Hours (CECHs) for Registered Environmental Health Specialists and the two-hour bloodborne pathogen exposure control training module in the day-long training has been designed to meet the is designed to meet the mandatory bloodborne pathogen exposure control requirements in AB 300 for all registered body art practitioners.

<u>Question 1</u>: Is there new mandated training for registered body art practitioners under AB 300?

<u>Answer 1</u>: YES, AB 300 - The Safe Body Art Act – Health and Safety Code Section 119307 et seq. requires that ALL BODY ART PRACTITIONERS THAT ARE REQUIRED TO REGISTER IN CALIFORNIA SHALL complete 2 hours Bloodborne Pathogen Exposure training annually prior to registration. (See H&S Code Section 119306 below)

119306. (a) A person shall not perform body art if he or she is not registered with the local enforcement agency.

(b) As a condition of registration, the applicant shall provide all of the following:

(1) Evidence of current hepatitis B vaccination, including applicable boosters, unless the practitioner can demonstrate hepatitis B immunity or has complied with current federal OSHA hepatitis B vaccination declination requirements.

(2) Evidence of completion of OSHA Bloodborne Pathogen Training consistent with Section 119307 and pursuant to paragraph (2) of subdivision (g) of Section 5193 of Title 8 of the California Code of Regulations or its successor.

(3) Proof that he or she is 18 years of age or older.

(4) Self-certification of, knowledge of, and commitment to meet state law and relevant local regulations pertaining to body art safety.

(5) For first-time registrants, documentation evidencing a minimum of six months of related experience. The local enforcement agency may require documentation that includes, but is not limited to, dates, type, and location of work, and the name and contact information of the registrant's supervisor or supervisors.

(6) His or her business address and the address at which he or she will perform any activity regulated by this chapter.

(7) Payment of a registration fee directly to the local enforcement agency. The local enforcement agency shall set the fee at an amount not to exceed the amount necessary but that is sufficient to cover the actual costs of administering the program.

<u>Question 2:</u> When will this new requirement be in effect?
<u>Answer 2</u>: AB 300 became law on January 1, 2012, but the requirements in the law will become operative on July 1, 2012. This means that the is a six month period during which all body art practitioners will need to come into full compliance with the law.

<u>Question 3</u>: What is the specific training requirement for body art practitioners?
<u>Answer 3</u>: A practitioner is required to undergo no less than two hours of a Bloodborne Pathogens Exposure prior to registering with the local enforcement agency. This training must be provided by a person " *knowledgeable in exposure control and infection prevention in the body art setting and who are approved by the local enforcement agency in accordance with the provisions of this section.*". The content of the training is further described in H&S Code Section 119307 (See below)

Health and Safety Code Section 119307.
(a) Prior to registering with the local enforcement agency, a practitioner shall complete a Bloodborne Pathogens Exposure Control Training program that is specific to his or her practice.
(b) An owner shall provide Bloodborne Pathogens Exposure Control Training pursuant to the requirements of paragraph (2) of subdivision (g) of Section 5193 of Title 8 of the California Code of Regulations, or its successor, for all employees, contractors, and volunteers who perform duties within the decontamination and sterilization area or procedure area.
(c) The Bloodborne Pathogens Exposure Control Training shall meet all of the following criteria:
(1) Training shall be conducted by a person or persons who are knowledgeable in exposure control and infection prevention in the body art setting and who are approved by the local enforcement agency in accordance with the provisions of this section.
(2) Training and training materials shall be specific to performing body art.
(3) Training shall consist of not less than two hours of instruction that includes all of the following:
(A) A copy and explanation of the California Occupational Safety and Health Administration Bloodborne Pathogens Standard contained in Section 5193 of Title 8 of the California Code of Regulations, or its successor.
(B) A copy and explanation of applicable county, city, or city and county ordinances that pertain to bloodborne pathogen transmission control in body art.
(C) Discussion of transmission, control, and symptoms of the diseases caused by bloodborne pathogens.
(D) Discussion of tasks involved in performing body art and how those tasks may lead to exposure to bloodborne pathogens for the client or practitioner.
(E) Discussion of the types and uses of personal protective equipment, such as disposable gloves, including an explanation of the limitations of the equipment.
(F) Discussion of the types of tasks, proper task technique, and order of tasks before and after putting on and removing personal protective equipment, to avoid contamination.
(G) Discussion of the importance of hand hygiene and a demonstration of proper hand hygiene techniques.

(H) Discussion of choice, use, and storage of disinfectants and antiseptics.
(I) Information on the signage required for biohazard materials and the importance of properly labeling chemicals and supplies.
(J) Information on hepatitis B vaccine, including safety and accessibility.
(K) Discussion of what constitutes a bloodborne pathogen exposure incident, including all of the following:
(i) Examples of bloodborne pathogen exposure, how the exposure occurred, and what actions to take to prevent or minimize future exposures.
(ii) Risk of infection following a bloodborne pathogen exposure incident.
(iii) Procedures to be followed after an exposure incident, including medical followup.
(L) Opportunities for interactive questions and answers with the instructor.
(d) Each person required to complete a Bloodborne Pathogens Exposure Control Training program pursuant to this section shall annually complete a minimum of two hours of Bloodborne Pathogens Exposure Control Training update presented by a trainer eligible pursuant to paragraph (1) of subdivision (c).
(e) Records of training required pursuant to this section shall be maintained for three years and shall be available for inspection upon request of the enforcement officer.

Question 4: Does this training have to be provided in person or can it be provided online?
Answer 4: The law allows for in-person OR online training that meets the other requirements described above

Question 5: Is the training offered by CAEHA, HOAC, APT and APP required by law? Is it the only way to meet the new practitioners training requirements?
Answer 5: NO, the training being provided by CAEHA, HOAC, APT and APP is NOT required nor is it the only way to meet the practitioner training requirements under AB 300. This training covers all aspects of the new body art law, including industry best management practices and other regulatory requirements.

Question 6: Will the training offered by CAEHA, HOAC, APT and APP be approved by all local agencies in California as adequate to meet their blood-borne training requirements, if applicable.
Answer 6: In most cases YES, but for Los Angeles County please note that the Los Angeles body art program will be authorizing Bloodborne Pathogen trainers consistent with the requirements of AB 300. A person applying for authorization as a Bloodborne Pathogen trainer should specify whether they are seeking authorization as a trainer for current County requirements that remain in effect until June 30, 2012 or authorization under AB 300.

Los Angeles County's past practice is not to authorize trainers who use web based training materials because it is impossible to verify who completed the training and test required under county code. Since AB 300 lacks testing requirements for persons completing Bloodborne Pathogen Training, LA will reevaluate this position in the near future.

For further questions regarding Los Angeles County requirements, please contact:
Scott Abbott, R.E.H.S., M.P.A.
Chief, Program Planning and Development

Los Angeles County Department of Public Health
Environmental Health
5050 Commerce Drive
Baldwin Park, CA 91706
626-430-5217 Office
626-813-4834 Fax

Question 7: **Is a certificate required to demonstrate that the training has been received by the practitioner?**
Answer 7: There is no specific certification of training required in the law, however, the practitioner is required to maintain records/evidence of this training for a minimum of three years.

Question 8: What certificates will be issued after the training?
Answer 8: Certificates will be issued ON SITE after the training to persons that have attended all 2 hours of the two-hour Bloodborne Pathogen Exposure training. REHS CEHSs will be issued BY EMAIL after the training to REHSs that have attended the course and have completed and returned the required training evaluation that will be provided at the training.

PLEASE NOTE: ONLY REHSs WILL BE ELIGIBLE TO RECEIVE THE CEHS CERTIFICATES.
Question 8: **Are local enforcement agency officials required to obtain this bloodborne pathogen or other training specific to body art?**
Answer 8: NO.

Question 9: Do body art practitioners need to acquire Registered Environmental Health Specialist (REHS) Continuing Education Contact Hours (CEHRs)?
Answer 9: NO. The CEHS requirements apply to Registered Environmental Health Specialists only. Details of this separate training requirement may be found at http://www.cdph.ca.gov/certlic/occupations/Pages/REHSContinuingEducation.aspx

Question 10: What is the Cancellation and Refund Policy? When is the latest I can cancel my registration and still receive a refund?
Answer 10: Cancellation Policy: No refunds will be issued for cancellations made one week (7 days) prior to the training session for which you registered. No refunds will be issued for training day no-shows. No Exceptions will be made.

For additional questions regarding blood-borne pathogen training requirements in AB 300 please contact:

Kathy Hartman, Your Training Place, khartma2@yahoo.com, phone: (858) 792-1630.

Bill Remak, California Hepatitis C Task Force, wmremak@pacbell.net, phone: (707) 773-4922.

Cathy Montie, Absolute Tattoo, Piercing, Permanent Cosmetics, cathymontie@gmail.com, (619) 303-5893.

Other blood-borne training providers may offer courses that meet the AB 300 requirements.

For questions regarding the implementation of these and other requirements of the new Safe Body Art Law by your local jurisdiction, please inquire directly at the Environmental Health Department. Contact information for all 62 environmental health departments is available at www.ccdeh.com.

The full text of AB 300, as enacted, may be viewed at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0251-0300/ab_300_bill_20111009_chaptered.html