

AMENDED IN SENATE JUNE 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1168

Introduced by Assembly Member Pan

February 22, 2013

An act to amend Sections 119300, 119301, 119303, 119306, *119307, 119308, 119309, 119310, 119312, 119313, 119314, 119315, and 119317, 119318, 119319, 119323, and 119325* of, *to add Article 4.5 (commencing with Section 119316) to Chapter 7 of Part 15 of Division 104 of, and to repeal Section 119316 of,* the Health and Safety Code, relating to body art.

LEGISLATIVE COUNSEL'S DIGEST

AB 1168, as amended, Pan. Safe body art.

Existing law, the Safe Body Art Act, regulates the performance of body art, as defined, and the permitting of body art facilities. Existing law defines “body art facility” as the specified building, section of a building, or vehicle in which a practitioner performs body art. Under existing law, performing body art without being registered, operating a body art facility without a health permit, or operating a temporary body art event without a permit is a misdemeanor.

This bill would add to the definition of “body art facility” places where body art is demonstrated for the purpose of instruction. The bill would also prohibit 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. By creating a new crime, this bill would impose a state-mandated local program.*

Existing law requires, prior to the performance of body art, a client to read, complete, and sign a questionnaire, which is considered confidential information. Existing law requires the body art facility to maintain the confidentiality of the information in the questionnaire and to shred the confidential medical information after 2 years.

This bill, instead, would require any information gathered in the questionnaire that is personal medical information and that is subject to 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.

Existing law requires a first-time registrant as a body art practitioner to provide documentation evidencing 6 months of related experience.

This bill would remove this provision.

Existing law establishes requirements for a body art facility to be granted a health permit and prohibits a facility from operating as a body art facility without that permit. A facility operating without a permit or other required licenses may be shut down by the local authority. Existing law specifies the requirements for a permitted body art facility, including floors, walls, and ceilings that are smooth, free of open holes, and washable.

This bill would authorize 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. *The bill would require a body art facility to notify the local enforcement agency within 30 days of the resignation, termination, or hiring of a body art practitioner.* The bill would also make specified changes to the requirements for a body art facility, including that the floors and walls must be ~~nonabsorbent~~ and *nonabsorbent*, that the facility provide adequate toilet facilities, as specified, *and that removal of sharps waste, as defined, be done in a specified manner.*

Existing law ~~specifies the requirements for~~ *requires the sponsor of a temporary body art facility demonstration booth to ensure the availability of support facilities and supplies for body art practitioners and vendors, including the provision of providing an eye wash station.*

This bill would remove the requirement of an eye wash station at a temporary body art ~~facility~~ *demonstration booth.* *The bill would require that the demonstration booth include at least 50 square feet for each practitioner and hand washing facilities, and would prohibit food and tobacco products in the demonstration booth. The bill would require the sponsor to submit a temporary facility permit application to the*

local enforcement authority within 30 days of the event, would prohibit 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 would require the sponsor to ensure the availability of various facilities and supplies, including trash pickup, wastewater removal, and required forms and documents.

Existing law requires a health permit for a practitioner who will be performing body art in a vehicle in a jurisdiction for more than 7 days in a 90-day period.

This bill would instead prescribe 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.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 119300 of the Health and Safety Code
- 2 is amended to read:
- 3 119300. (a) This chapter shall be known, and may be cited,
- 4 as the Safe Body Art Act.
- 5 (b) The purpose of this chapter is to provide minimum statewide
- 6 standards for the regulation of persons engaged in the business or
- 7 performance of tattooing, body piercing, branding, and the
- 8 application of permanent cosmetics in California. These
- 9 requirements are intended to protect both the practitioner and the
- 10 client from transmission of infectious diseases through the
- 11 application of proper body art procedures and the control of
- 12 cross-contamination of instruments and supplies.
- 13 SEC. 2. Section 119301 of the Health and Safety Code is
- 14 amended to read:
- 15 119301. For purposes of this chapter, the following definitions
- 16 shall apply:

- 1 (a) “Antiseptic solution” means a liquid or semiliquid substance
2 that is approved by the federal Food and Drug Administration to
3 reduce the number of microorganisms present on the skin and on
4 mucosal surfaces.
- 5 (b) “Bloodborne pathogen” means a disease-causing
6 microorganism that, when present in the blood, can be transmitted
7 to humans, including, but not limited to, hepatitis B virus (HBV),
8 hepatitis C virus (HCV), and human immunodeficiency virus
9 (HIV).
- 10 (c) “Body art” means body piercing, tattooing, branding, or
11 application of permanent cosmetics.
- 12 (d) “Body art facility” means the specified building, section of
13 a building, or vehicle in which a practitioner performs, or
14 demonstrates for the purpose of instruction, body art, including
15 reception areas, the procedure area, and the decontamination and
16 sterilization area. “Body art facility” does not include a facility
17 that only pierces the ear with a disposable, single-use, presterilized
18 clasp and stud or solid needle that is applied using a mechanical
19 device to force the needle or stud through the ear.
- 20 (e) “Body piercing” means the creation of an opening in a human
21 body for the purpose of inserting jewelry or other decoration.
22 “Body piercing” includes, but is not limited to, the piercing of an
23 ear, including the tragus, lip, tongue, nose, or eyebrow. “Body
24 piercing” does not include the piercing of an ear, except for the
25 tragus, with a disposable, single-use, presterilized stud and clasp
26 or solid needle that is applied using a mechanical device to force
27 the needle or stud through the ear.
- 28 (f) “Branding” means the process in which a mark or marks are
29 burned into human skin tissue with a hot iron or other instrument,
30 with the intention of leaving a permanent scar.
- 31 (g) “Client” means an individual upon whom a practitioner
32 performs body art.
- 33 (h) “Decontamination and sterilization area” means a room, or
34 specific section of a room, that is set apart and used only to
35 decontaminate and sterilize instruments.
- 36 (i) “Department” means the State Department of Public Health.
- 37 (j) “Decontamination” means the use of physical or chemical
38 means to remove, inactivate, or destroy bloodborne pathogens on
39 a surface or item to the point where the pathogens are no longer

1 capable of transmitting infectious particles and the surface or item
2 is rendered safe for handling, use, or disposal.

3 (k) “Disinfectant” means a product that is registered by the
4 federal Environmental Protection Agency and the Department of
5 Pesticide Regulation, as indicated on the label, to reduce or
6 eliminate the presence of disease-causing microorganisms,
7 including human immunodeficiency virus (HIV) and hepatitis B
8 virus (HBV) for use in decontaminating work surfaces.

9 (l) “Enforcement officer” means all local health officers,
10 directors of environmental health, and duly authorized registered
11 environmental health specialists and environmental health specialist
12 trainees.

13 (m) “Hand hygiene” means either of the following:

14 (1) Thoroughly washing all surfaces of the hands and under the
15 fingernails with soap and warm water.

16 (2) In the absence of contamination with blood or other bodily
17 fluids, or obvious soiling, applying an antiseptic solution to all the
18 surfaces of the hands and underneath the fingernails.

19 (n) “Instrument” means a nonmedical application device used
20 in performing body art, including, but not limited to, needles,
21 needle bars, needle tubes, forceps, hemostats, tweezers, razors, or
22 razor blades.

23 (o) “Local enforcement agency” means the local health agency
24 of the county, city, or city and county. In jurisdictions where the
25 local health agency and the environmental health agency are
26 separate departments, the jurisdiction shall specify which entity
27 will be the local enforcement agency for purposes of this chapter.

28 (p) “Mucosal surface” means the moisture-secreting membrane
29 lining of all body cavities or passages that communicates with the
30 exterior, including, but not limited to, the nose, mouth, vagina,
31 and urethra.

32 (q) “Owner” means either of the following:

33 (1) The person or persons whose name or names appear on the
34 health permit, business license, property deed, or rental agreement
35 of the body art facility.

36 (2) A person, acting as a principal of a corporation or
37 partnership, who employs practitioners to perform body art or
38 other activity regulated by this chapter.

39 (r) “Permanent cosmetics” means the application of pigments
40 in human skin tissue for the purpose of permanently changing the

1 color or other appearance of the skin. This includes, but is not
2 limited to, permanent eyeliner, eyebrow, or lip color.

3 (s) “Potable water” means water that complies with the standards
4 for transient noncommunity water systems pursuant to the
5 California Safe Drinking Water Act (Chapter 4 (commencing with
6 Section 116275) of Part 12).

7 (t) “Practitioner” means a person who performs body art on a
8 client.

9 (u) “Procedure area” means a room, or designated portion of a
10 room, that is set apart and only used to perform body art.

11 (v) “Procedure site” means the area or location on the human
12 body selected for the placement of body art.

13 (w) “Sharps waste” ~~has the same meaning as that term is defined~~
14 ~~in Section 117755.~~ *means a device or instrument that has acute,*
15 *rigid corners, edges, or protuberances capable of cutting or*
16 *piercing the skin, that has been used in the performance of body*
17 *art, and has not been disinfected or sterilized following use,*
18 *including, but not limited to, any of the following:*

19 (1) *Tattooing needles and needle bars.*

20 (2) *Disposable piercing needles.*

21 (3) *Disposable razors.*

22 (x) “Sharps waste container” *means a rigid, puncture resistant,*
23 *commercial container that, when sealed, is leak resistant and*
24 *cannot be reopened without great difficulty. Sharps containers*
25 *shall be designed and constructed specifically for the proper*
26 *containment of sharps waste.*

27 ~~(x)~~

28 (y) “Sponsor” means an individual or business entity, including
29 an event coordinator or manager, responsible for the organization
30 of a convention, trade show, or other temporary event that includes
31 a body art demonstration booth. A sponsor may also be a body art
32 practitioner.

33 ~~(y)~~

34 (z) “Sterilization” means the complete destruction of all
35 microbial life forms, including spores.

36 ~~(z)~~

37 (aa) “Tattooing” means the insertion of pigment in human skin
38 tissue by piercing with a needle.

39 ~~(aa)~~

1 (ab) “Vehicle” means a vehicle that has been fitted or designed
2 to perform body art.

3 (ac) “Warm water” means water that is supplied through a
4 mixing valve or combination faucet at a temperature of at least
5 one hundred degrees Fahrenheit.

6 ~~(ab)~~

7 (ad) “Workstation” means the area within a procedure area
8 where a practitioner performs body art. The workstation includes,
9 but is not limited to, the client chair or table, counter, mayo stand,
10 instrument tray, storage drawer, and practitioner’s chair.

11 SEC. 3. Section 119303 of the Health and Safety Code is
12 amended to read:

13 119303. (a) Prior to the performance of body art, the client
14 shall read, complete, and sign an informed consent form that shall
15 include, but not be limited to, all of the following information:

16 (1) A description of the procedure.

17 (2) A description of what the client should expect following the
18 procedure, including suggested care and any medical complications
19 that may occur as a result of the procedure.

20 (3) A statement regarding the permanent nature of body art.

21 (4) Postprocedure instructions that include all of the following:

22 (A) Information on the care of the procedure site.

23 (B) Restrictions on physical activities such as bathing,
24 recreational water activities, gardening, or contact with animals,
25 and the duration of the restrictions.

26 (C) Signs and symptoms of infection, including, but not limited
27 to, redness, swelling, tenderness of the procedure site, red streaks
28 going from the procedure site towards the heart, elevated body
29 temperature, or purulent drainage from the procedure site.

30 (D) Signs and symptoms that indicate the need to seek medical
31 care.

32 (b) Prior to the performance of body art, the client shall receive,
33 complete, and sign a questionnaire that includes all of the following
34 information:

35 (1) Whether the client may be pregnant.

36 (2) Whether the client has a history of herpes infection at the
37 proposed procedure site, diabetes, allergic reactions to latex or
38 antibiotics, hemophilia or other bleeding disorder, or cardiac valve
39 disease.

1 (3) Whether the client has a history of medication use or is
2 currently using medication, including being prescribed antibiotics
3 prior to dental or surgical procedures.

4 (4) Other risk factors for bloodborne pathogen exposure.

5 (c) All information gathered from the client that is personal
6 medical information and that is subject to the federal Health
7 Insurance Portability and Accountability Act of 1996 (HIPAA) or
8 similar state laws shall be maintained or disposed of in compliance
9 with those provisions.

10 SEC. 4. Section 119306 of the Health and Safety Code is
11 amended to read:

12 119306. (a) A person shall not perform body art at any location
13 other than a permitted permanent or temporary body art facility.

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

16 (c) As a condition of registration, the applicant shall provide all
17 of the following:

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

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

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

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

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

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

36 (d) A practitioner shall display, in a place readily visible to the
37 public at the body art facility where the practitioner is performing
38 body art, the certificate confirming registration with the local
39 enforcement agency in the jurisdiction in which that practice is
40 conducted.

1 (e) A valid and current registration issued by a local enforcement
2 agency shall be valid in any other jurisdiction for no more than
3 five consecutive days, or 15 days total, in any one calendar year.

4 (f) Practitioner registration shall be renewed annually by a
5 process to be determined by the local enforcement agency.

6 (g) A practitioner shall obtain all necessary permits to conduct
7 business, including, but not limited to, being registered with the
8 local enforcement agency. In addition to the penalties available
9 pursuant to Article 6 (commencing with Section 119320), a
10 practitioner who violates this subdivision shall be subject to
11 suspension and a penalty not to exceed three times the cost of
12 registration.

13 *SEC. 5. Section 119307 of the Health and Safety Code is*
14 *amended to read:*

15 119307. (a) Prior to registering with the local enforcement
16 agency, a practitioner shall complete a Bloodborne Pathogens
17 Exposure Control Training program that is specific to his or her
18 practice.

19 (b) An owner shall provide Bloodborne Pathogens Exposure
20 Control Training pursuant to the requirements of paragraph (2) of
21 subdivision (g) of Section 5193 of Title 8 of the California Code
22 of Regulations, or its successor, for all employees, ~~contractors,~~
23 *practitioners*, and volunteers who perform duties within the
24 decontamination and sterilization area or procedure area.

25 (c) The Bloodborne Pathogens Exposure Control Training shall
26 meet all of the following criteria:

27 (1) Training shall be conducted by a person or persons who are
28 knowledgeable in exposure control and infection prevention in the
29 body art setting and who are approved by the local enforcement
30 agency in accordance with the provisions of this section.

31 (2) Training and training materials shall be specific to
32 performing body art.

33 (3) Training shall consist of not less than two hours of
34 instruction that includes all of the following:

35 (A) A copy and explanation of the ~~California Division of~~
36 ~~Occupational Safety and Health Administration~~ *Health*, Bloodborne
37 Pathogens Standard, contained in Section 5193 of Title 8 of the
38 California Code of Regulations, or its successor.

- 1 (B) A copy and explanation of applicable county, city, or city
2 and county ordinances that pertain to bloodborne pathogen
3 transmission control in body art.
- 4 (C) Discussion of transmission, control, and symptoms of the
5 diseases caused by bloodborne pathogens.
- 6 (D) Discussion of tasks involved in performing body art and
7 how those tasks may lead to exposure to bloodborne pathogens
8 for the client or practitioner.
- 9 (E) Discussion of the types and uses of personal protective
10 equipment, such as disposable gloves, including an explanation
11 of the limitations of the equipment.
- 12 (F) Discussion of the types of tasks, proper task technique, and
13 order of tasks before and after putting on and removing personal
14 protective equipment, to avoid contamination.
- 15 (G) Discussion of the importance of hand hygiene and a
16 demonstration of proper hand hygiene techniques.
- 17 (H) Discussion of choice, use, and storage of disinfectants and
18 antiseptics.
- 19 (I) Information on the signage required for biohazard materials
20 and the importance of properly labeling chemicals and supplies.
- 21 (J) Information on hepatitis B vaccine, including safety and
22 accessibility.
- 23 (K) Discussion of what constitutes a bloodborne pathogen
24 exposure incident, including all of the following:
- 25 (i) Examples of bloodborne pathogen exposure, how the
26 exposure occurred, and what actions to take to prevent or minimize
27 future exposures.
- 28 (ii) Risk of infection following a bloodborne pathogen exposure
29 incident.
- 30 (iii) Procedures to be followed after an exposure incident,
31 including medical followup.
- 32 (L) Opportunities for interactive questions and answers with
33 the instructor.
- 34 (d) Each person required to complete a Bloodborne Pathogens
35 Exposure Control Training program pursuant to this section shall
36 annually complete a minimum of two hours of Bloodborne
37 Pathogens Exposure Control Training update presented by a trainer
38 eligible pursuant to paragraph (1) of subdivision (c).

1 (e) Records of training required pursuant to this section shall
2 be maintained for three years and shall be available for inspection
3 upon request of the enforcement officer.

4 *SEC. 6. Section 119308 of the Health and Safety Code is*
5 *amended to read:*

6 119308. (a) Before performing body art, the practitioner shall
7 do all of the following:

8 (1) Wash and dry his or her hands consistent with sound ~~hygienic~~
9 *hygienic* practices.

10 (2) Put on a clean apron, bib, or lap pad over clean, dry clothing.

11 (3) Put on personal protective equipment that is appropriate for
12 the task.

13 (4) Don clean, previously unused, disposable examination gloves
14 on both hands just prior to the procedure. Gloves shall be worn
15 throughout the procedure. If gloves come into contact with an
16 object or surface other than the client's prepared skin or material
17 to be used for the procedure, or if a glove is torn or punctured,
18 both gloves shall be removed, hand hygiene performed, and new,
19 clean, previously unused, disposable examination gloves shall be
20 donned. If gloves are removed for any reason during a procedure,
21 hand hygiene shall be performed prior to donning new, clean,
22 previously unused, disposable examination gloves.

23 (5) If the skin at the procedure site is to be shaved, the skin shall
24 be first washed with soap and water. A single-use, disposable razor
25 shall be used to shave the procedure site and then discarded into
26 a sharps container.

27 (6) Immediately prior to performing the body art, the client's
28 skin shall be prepared with an antiseptic solution, antimicrobial,
29 or microbicide, according to manufacturer's instructions. The item
30 used for application shall be discarded after use.

31 (b) At the completion of the procedure, the practitioner shall do
32 all of the following:

33 (1) Answer questions regarding the procedure site.

34 (2) Provide postprocedure instructions.

35 (3) *When covering a procedure site, use a sterile dressing.*

36 ~~(3)~~

37 (4) Place all used or discarded sharps waste in a sharps waste
38 container.

39 ~~(4)~~

1 (5) Wash and disinfect reusable instruments as provided in
2 subdivisions (d) and (e) of Section 119309.

3 ~~(5)~~

4 (6) Package and sterilize reusable instruments that may have
5 come in contact with nonintact skin or mucosal surfaces.

6 ~~(6) Decontaminate~~

7 (7) *Clean and decontaminate* the workstation and procedure
8 area.

9 *SEC. 7. Section 119309 of the Health and Safety Code is*
10 *amended to read:*

11 119309. (a) The practitioner shall maintain a clean and sanitary
12 environment.

13 (b) All solid surfaces and objects in the procedure area and the
14 decontamination and sterilization area that have come into contact
15 with the client or the materials used in performing the body art,
16 including, but not limited to, chairs, armrests, tables, countertops,
17 and trays, shall be immediately *cleaned and* decontaminated after
18 each use ~~and then disinfected~~ by application of a disinfectant, used
19 according to manufacturer's directions.

20 (c) The surfaces and objects in the procedure area shall be
21 disinfected again before use if the area has been used for any
22 activity following its previous disinfection.

23 (d) The practitioner shall wear disposable gloves on both hands
24 when touching, decontaminating, or handling a surface, object,
25 instrument, or jewelry that is soiled or that is potentially soiled
26 with human blood.

27 (e) An instrument or other reusable item that comes into contact
28 with nonintact skin or mucosal surfaces shall either be single use
29 or be ~~washed, disinfected~~ *cleaned, decontaminated*, packaged, and
30 sterilized after each procedure. Sterilization shall be accomplished
31 pursuant to the procedures established in Section 119315 by steam
32 autoclave.

33 (f) An instrument or reusable item that does not come into
34 contact with nonintact skin or mucosal surfaces shall be washed
35 with a solution of soap and water, using a brush that is small
36 enough to clean the interior surfaces, and decontaminated after
37 each procedure.

38 (g) A reusable item that cannot be immediately washed,
39 disinfected, and sterilized following completion of the body art

1 procedure shall be placed in a basin of water with or without
2 detergent.

3 (h) Sterile instrument packs shall be evaluated before use, and
4 if the integrity of a pack is compromised in any way, including,
5 but not limited to, being torn, punctured, wet, or having evidence
6 of potential moisture contamination, the instrument pack shall be
7 discarded or reprocessed before use.

8 (i) No food, drink, tobacco product, or personal effects are
9 permitted in the procedure area. The practitioner shall not eat,
10 drink, or smoke while performing a procedure. If a client requests
11 to eat, drink, or smoke, the procedure shall be stopped and the
12 procedure site shall be protected from possible contamination while
13 the client leaves the procedure area to eat, drink, or smoke.

14 (j) Branding shall not be done with another client in the
15 procedure area. During the procedure, the practitioner and the
16 client shall wear appropriate protective face filter masks.

17 *SEC. 8. Section 119310 of the Health and Safety Code is*
18 *amended to read:*

19 119310. (a) Jewelry placed in newly pierced skin shall be
20 sterilized prior to piercing as specified in Section 119315 or shall
21 be purchased presterilized. Sterile jewelry packs shall be evaluated
22 before use and, if the integrity of a pack is compromised, including,
23 but not limited to, being torn, wet, or punctured, the pack shall be
24 discarded or reprocessed before use.

25 (b) Only jewelry made of ASTM F138, ISO 5832-1, and AISI
26 316L or AISI 316LVM implant grade stainless steel, solid 14-karat
27 through 18-karat yellow or white gold, niobium, ASTM F 136
28 6A4V titanium, platinum, or other materials found to be equally
29 biocompatible shall be placed in newly pierced skin.

30 (c) Ear piercing equipment with a disposable, single-use,
31 presterilized stud and clasp may be used only for piercing the ear
32 pursuant to ~~Section 119304 Article 7 (commencing with Section~~
33 *119325).*

34 (d) If measuring the body piercing site is necessary, clean
35 calipers shall be used and the skin marked using clean toothpicks
36 and ink *or a single-use marking pen.*

37 ~~SEC. 5.~~

38 *SEC. 9. Section 119312 of the Health and Safety Code is*
39 *amended to read:*

1 119312. (a) A body art facility shall not conduct business
2 without a valid health permit.
3 (b) *No body art facility shall allow a practitioner who does not*
4 *possess a valid practitioner registration to perform body art*
5 *procedures at the facility.*
6 (c) *An owner of a body art facility shall notify the local*
7 *enforcement agency in writing within 30 days of the resignation,*
8 *termination, or new hire of a body art practitioner at the body art*
9 *facility.*
10 ~~(b)~~
11 (d) The application for a health permit for a body art facility
12 shall include all of the following:
13 (1) A copy of the facility’s infection prevention control plan,
14 as required by Section 119313.
15 (2) A fee, as set by the local enforcement agency at an amount
16 not to exceed the amount necessary but that is sufficient to cover
17 the actual costs of administration of the program. Fees established
18 by this section shall be used exclusively in support of activities
19 pursuant to this chapter.
20 ~~(e)~~
21 (e) The local enforcement agency shall issue a health permit
22 after an investigation has determined that the proposed body art
23 facility and its method of operation meets the specifications of the
24 approved plans or conforms to the requirements of this article.
25 ~~(f)~~
26 (f) A health permit is valid only for the location of the facility
27 and the time period indicated on the permit and may not be
28 transferred to another owner or facility.
29 ~~(e)~~
30 (g) The health permit shall be posted in a conspicuous place at
31 the body art facility. Certificates of registration for all practitioners
32 performing body art in that facility shall also be prominently
33 displayed either near the health permit or at the individual
34 practitioner’s procedure area if each practitioner has a designated
35 area.
36 ~~(f)~~
37 (h) A person proposing to construct a practice site or mobile
38 practice site, other than a temporary body art event booth, shall
39 submit plans to the Plan Review Unit of the local enforcement
40 agency. The plans shall be approved in advance of the issuance of

1 a building, plumbing, or electrical permit. All required corrections
2 must be made and the body art facility approved to open before
3 body art can be performed in the facility.

4 ~~(g)~~

5 (i) Health permits shall be renewed annually through a process
6 to be determined by the local enforcement agency.

7 ~~(h)~~

8 (j) The county may suspend or revoke the permit of a body art
9 facility if a person who does not possess a valid practitioner
10 registration is allowed to perform body art.

11 ~~(i)~~

12 (k) An owner who operates a body art facility shall obtain all
13 necessary permits to conduct business, including, but not limited
14 to, a permit issued by a local enforcement agency. In addition to
15 the penalties available pursuant to Article 6 (commencing with
16 Section 119320), an owner who violates this subdivision shall be
17 subject to the closure of the facility and a penalty not to exceed
18 three times the cost of the permit.

19 *SEC. 10. Section 119313 of the Health and Safety Code is*
20 *amended to read:*

21 119313. (a) A body art facility shall maintain and follow a
22 written Infection Prevention and Control Plan, provided by the
23 owner or established by the practitioners, specifying the procedures
24 to achieve compliance with each applicable requirement of this
25 chapter.

26 (b) The Infection Prevention and Control Plan shall include all
27 of the following:

28 (1) Procedures for *cleaning and* decontaminating—~~and~~
29 ~~disinfecting~~ environmental surfaces.

30 (2) Procedures for *cleaning*, decontaminating, packaging,
31 sterilizing, and storing reusable instruments.

32 (3) Procedures for protecting clean instruments and sterile
33 instrument packs from exposure to dust and moisture during
34 storage.

35 (4) A set up and tear down procedure for any form of body art
36 performed at the body art facility.

37 (5) Techniques to prevent the contamination of instruments or
38 the procedure site during the performance of body art.

39 (6) Procedures for safe handling and disposal of sharps waste.

1 (c) The Infection Prevention and Control Plan shall be revised
2 when changes are made in infection prevention practices,
3 procedures, or tasks.

4 (d) Onsite training on the facility's Infection Prevention and
5 Control Plan shall take place when tasks where occupational
6 exposure may occur are initially assigned, any time there are
7 changes in the procedures or tasks, and when new technology is
8 adopted for use in the facility, but not less than once each year.

9 (e) Records of training required pursuant to this section shall
10 be maintained for three years and shall be available for inspection
11 upon request of the enforcement officer.

12 ~~SEC. 6.~~

13 *SEC. 11.* Section 119314 of the Health and Safety Code is
14 amended to read:

15 119314. (a) With the exception of a temporary demonstration
16 booth ~~and a mobile site~~, as specified in Sections 119317 and
17 119318, a body art facility shall comply with all of the following:

- 18 (1) Have floors, walls, and ceilings.
- 19 (2) Have floors and walls that are smooth, nonabsorbent, free
20 of open holes, and washable.
- 21 (3) Be free of insect and rodent infestation.
- 22 (4) Be separate from any residential areas used for sleeping,
23 bathing, or meal preparation. A body art facility associated with
24 a residential dwelling shall have a separate entrance and toilet
25 facility, and shall not have a door allowing direct access between
26 the body art facility and the residential dwelling.
- 27 (5) Have adequate toilet facilities, in accordance with the
28 specifications of the State Building Standards Code, local building
29 standard codes, and any other local ordinance. The sink shall be
30 supplied with hot and cold running water, containerized liquid
31 soap, and single-use paper towels that are dispensed from a
32 wall-mounted, touchless dispenser.

33 (b) Procedure areas in a body art facility shall meet all of the
34 following standards:

- 35 (1) Be equipped with a light source that provides adequate light
36 at the procedure area.
- 37 (2) Be separated, by a wall or ceiling-to-floor partition, from
38 nail and hair activities.
- 39 (3) Be separated from all business not related to body art, at the
40 discretion of the local enforcement agency.

1 (4) Be equipped with a sink supplied with hot and cold running
2 water, containerized liquid soap, and single-use paper towels that
3 are dispensed from a wall-mounted, touchless dispenser that is
4 accessible to the practitioner.

5 (5) *All sinks shall be permanently plumbed and meet local*
6 *building and plumbing codes. Facilities that were issued a permit*
7 *prior to January 1, 2014, shall have until July 1, 2014, to comply*
8 *with this section.*

9 (6) *All counter surfaces and service trays shall have a smooth,*
10 *durable, and nonabsorbent finish.*

11 (c) Decontamination and ~~sanitation~~ *sterilization* areas within a
12 body art facility shall meet all of the following requirements:

13 (1) Be separated from procedure areas by a space of at least five
14 feet or by a cleanable barrier.

15 (2) Be equipped with a sink, hot and cold running water,
16 containerized liquid soap ~~in a wall-mounted dispenser~~, and
17 single-use paper towels dispensed from a wall-mounted, touchless
18 dispenser that is readily accessible to the practitioner.

19 (d) Each procedure area shall have lined waste containers.

20 (e) Each procedure area and ~~decontamination and sterilization~~
21 ~~area~~ shall have a ~~container for the disposal of~~ sharps waste
22 *container* that meets the following requirements:

23 (1) The sharps waste container shall be portable, if portability
24 is necessary to ensure that the sharps waste container is within
25 arm's reach of the practitioner.

26 (2) The sharps waste container shall be labeled with the words
27 "sharps waste" or with the international biohazard symbol and the
28 word "BIOHAZARD."

29 (3) All sharps waste produced during the process of tattooing,
30 body piercing, or the application of permanent cosmetics shall be
31 disposed by either of the following methods:

32 (A) ~~Removal and disposal by a company, or removal and~~
33 ~~transportation through a mail-back system approved by the~~
34 ~~department pursuant to subdivision (b) of Section 118245 by a~~
35 *licensed waste hauler. Materials shall be disposed of at a licensed*
36 *treatment facility or removed and transported through a mail-back*
37 *system authorized by the State Department of Public Health.*

38 (B) As solid waste, after being disinfected by a method approved
39 by the department pursuant to paragraph (3) of subdivision (a) of
40 Section 118215.

1 (4) *Documentation of proper disposal of sharps waste shall be*
 2 *maintained for three years and shall be available for inspection*
 3 *at the request of the enforcement officer.*

4 (f) No animals shall be allowed in the procedure area or the
 5 decontamination and sterilization area except service animals, as
 6 defined by the federal Americans with Disabilities Act.

7 ~~SEC. 7.~~

8 *SEC. 12.* Section 119315 of the Health and Safety Code is
 9 amended to read:

10 119315. A body art facility shall conform to the following
 11 sterilization procedures:

12 (a) Clean instruments to be sterilized shall first be sealed in
 13 ~~peel-packs~~ *sterilization packaging* that contain either a sterilizer
 14 indicator or ~~internal temperature~~ *process* indicator, *unless*
 15 *instruments are being processed for immediate use.* The outside
 16 of the pack shall be labeled with the name of the instrument *if not*
 17 *immediately identifiable*, the date sterilized, and the initials of the
 18 person operating the sterilizing equipment unless instruments are
 19 being sterilized for immediate use.

20 (b) Sterilizers shall be loaded, operated, ~~decontaminated,~~
 21 *decontaminated*, and maintained according to manufacturer's
 22 directions, and shall meet all of the following standards:

23 (1) Only equipment manufactured for the sterilization of medical
 24 instruments shall be used.

25 (2) Sterilization equipment shall be tested using a commercial
 26 biological indicator monitoring system after the initial installation,
 27 after any major repair, and at least once per month. The expiration
 28 date of the monitor shall be checked prior to each use.

29 (3) Each sterilization load shall be monitored with mechanical
 30 indicators for time, temperature, ~~pressure, and,~~ *and pressure.* *Each*
 31 *sterilization load shall include, at a minimum, a Class V*
 32 ~~integrators integrator.~~ *Each individual sterilization pack shall have*
 33 ~~an indicator.~~

34 (4) Biological indicator monitoring test results shall be recorded
 35 in a log that shall be kept on site for ~~two~~ *three* years after the date
 36 of the results.

37 (5) A written log of each sterilization cycle shall be ~~retained on~~
 38 ~~site for two years~~ *maintained for three years, shall be available*
 39 *for inspection by the enforcement officer*, and shall include all of
 40 the following information:

- 1 (A) The date of the load.
- 2 (B) A list of the contents of the load.
- 3 (C) The exposure time and temperature.
- 4 (D) The results of the Class V integrator.
- 5 (E) For cycles where the results of the biological indicator
- 6 monitoring test are positive, how the items were cleaned, and proof
- 7 of a negative test before reuse.
- 8 (c) Clean instruments and sterilized instrument packs shall be
- 9 placed in clean, dry, labeled containers, or stored in a labeled
- 10 cabinet that is protected from dust and moisture.
- 11 (d) Sterilized instruments shall be stored in the intact ~~peel-packs~~
- 12 *sterilization packaging* or in the sterilization equipment cartridge
- 13 until time of use.
- 14 (e) Sterile instrument packs shall be evaluated at the time of
- 15 storage and before use. If the integrity of a pack is compromised,
- 16 including, but not limited to, cases where the pack is torn,
- 17 punctured, wet, or displaying any evidence of moisture
- 18 contamination, the pack shall be discarded or reprocessed before
- 19 use.
- 20 (f) A body art facility that does not afford access to a
- 21 decontamination and sterilization area that meets the standards of
- 22 subdivision (c) of Section 119314 or that does not have sterilization
- 23 equipment shall use only purchased disposable, single-use,
- 24 presterilized instruments. In place of the requirements for
- 25 maintaining sterilization records, the following records shall be
- 26 kept and maintained for a minimum of 90 days following the use
- 27 of the instruments at the site of practice for the purpose of verifying
- 28 the use of disposable, single-use, presterilized instruments:
- 29 (1) A record of purchase and use of all single-use instruments.
- 30 (2) A log of all procedures, including the names of the
- 31 practitioner and client and the date of the procedure.
- 32 (3) *Written proof on company or laboratory letterhead showing*
- 33 *that the presterilized instruments have undergone a sterilization*
- 34 *process. Written proof shall clearly identify the instruments*
- 35 *sterilized by name or item number and shall identify the lot or*
- 36 *batch number of the sterilizer run.*
- 37 *SEC. 13. Section 119316 of the Health and Safety Code is*
- 38 *repealed.*
- 39 ~~119316. (a) If a practitioner performs body art in a vehicle, a~~
- 40 ~~health permit is required if the practitioner will practice in the~~

1 vehicle in the jurisdiction for more than seven days in a 90-day
 2 period. To obtain a health permit, the vehicle shall meet the
 3 requirements set forth in subdivisions (b) to (g), inclusive, of
 4 Section 119317.

5 (b) If the vehicle will be operating in the jurisdiction for less
 6 than seven days in a consecutive 90-day period, the vehicle shall
 7 be treated as a temporary booth and will be subject to Section
 8 119317.

9 *SEC. 14. Article 4.5 (commencing with Section 119316) is*
 10 *added to Chapter 7 of Part 15 of Division 104 of the Health and*
 11 *Safety Code, to read:*

12
 13 *Article 4.5. Mobile Body Art Facilities*

14
 15 *119316. (a) A mobile body art facility shall meet all the*
 16 *applicable requirements in Article 1 (commencing with Section*
 17 *119300) to Article 4 (commencing with Section 119312), inclusive*
 18 *and Article 6 (commencing with Section 119319), unless*
 19 *specifically exempted by this article.*

20 *(b) A mobile body art facility that is either a special purpose*
 21 *commercial modular and coach, as defined by Section 18012.5,*
 22 *or a commercial modular coach, as defined by Section 18001.8,*
 23 *shall be certified by the Department of Housing and Community*
 24 *Development, consistent with Chapter 4 (commencing with Section*
 25 *18025) of Part 2 of Division 13, and regulations promulgated*
 26 *pursuant to that chapter.*

27 *(c) The Department of Motor Vehicles occupational licensing*
 28 *requirements, Division 5 (commencing with Section 11100) of the*
 29 *Vehicle Code, shall also apply to these mobile body art facilities.*

30 *(d) The local enforcement agency shall approve all equipment*
 31 *installation prior to operation.*

32 *119316.1. A mobile body art facility shall have all of the*
 33 *following:*

34 *(a) A fixed hand wash sink in the procedure area for the*
 35 *exclusive use of the practitioner that meets all of the following*
 36 *requirements:*

37 *(1) Availability of containerized liquid soap and single-use*
 38 *paper towels that are dispensed from a wall-mounted, touchless*
 39 *dispenser.*

40 *(2) A pressurized supply of at least five gallons of potable water.*

1 (3) Warm water.

2 (4) The sink measures at least nine inches wide, nine inches
3 long, and five inches deep.

4 (b) All counter surfaces and service trays shall have a smooth,
5 durable, and nonabsorbent finish.

6 (c) A waste water tank that shall be sized to be a minimum of
7 1.5 times the size of the potable water tank.

8 119316.2. (a) All body art procedures shall be completed
9 inside the mobile body art facility.

10 (b) The mobile body art facility's doors and windows shall
11 remain closed during procedures.

12 (c) Notwithstanding subdivision (b), a mobile body art facility
13 may keep doors or windows open during a procedure only if the
14 openings are covered by a screen constructed to cover the entirety
15 of the opening that is the equivalent of a 16 mesh per square inch
16 screen or better.

17 119316.3. A mobile body art facility shall use only purchased
18 disposable, single-use, presterilized instruments.

19 119316.4. A mobile body art facility shall only be operated
20 within 200 feet of an accessible restroom.

21 119316.5. A mobile body art facility shall be used exclusively
22 for performing body art and shall not be used as a living space or
23 residence.

24 SEC. 15. Section 119317 of the Health and Safety Code is
25 amended to read:

26 119317. A practitioner may, in the local jurisdiction of
27 registration, practice in a temporary demonstration booth for no
28 more than seven days in a 90-day period. The demonstration booth
29 shall meet all of the following requirements:

30 (a) Be located within a building that has hand washing facilities
31 with hot and cold running water, soap, and single-use paper towels
32 to which practitioners have direct access.

33 (b) Constructed with a partition of at least three feet in height
34 separating the procedure area from the public.

35 (c) Have floor space of at least 50 square feet for each
36 practitioner.

37 ~~(e)~~

38 (d) Be free of insect or rodent infestation.

39 ~~(e)~~

40 (e) Used exclusively for performing body art.

- 1 (e)
- 2 (f) Equipped with adequate light available at the level where
- 3 the practitioner is performing body art.
- 4 ~~(f) Equipped~~
- 5 (g) (1) *For temporary body art events consisting of one*
- 6 *demonstration booth, the booth shall be equipped with hand*
- 7 *washing equipment that, at a minimum, consists of containerized*
- 8 *liquid soap, single-use paper towels, a five-gallon or larger*
- 9 *container of potable water accessible via spigot, and a wastewater*
- 10 *collection and holding tank of corresponding size. Potable water*
- 11 *shall be refilled and the holding tank evacuated at least every four*
- 12 *procedures or every four hours, whichever occurs first, frequently*
- 13 *to provide uninterrupted use, or as determined by the local*
- 14 *enforcement agency.*
- 15 (2) *For temporary body art events consisting of two or more*
- 16 *demonstration booths, practitioner hand wash areas shall be*
- 17 *provided throughout the event. The hand wash areas shall be*
- 18 *located within a booth with partitions at least three feet in height*
- 19 *separating the hand wash area from the public. The area shall be*
- 20 *equipped with a commercial, self-contained hand wash station*
- 21 *that consists of containerized liquid soap, single-use paper towels,*
- 22 *a storage capacity of five gallons or more of potable water, and*
- 23 *a trash receptacle. The sponsor shall provide one hand wash area*
- 24 *for every two demonstration booths at the event.*
- 25 (h) *Have smooth, cleanable flooring.*
- 26 (i) *No food, drink, or tobacco products are permitted in the*
- 27 *demonstration booth.*
- 28 ~~(g)~~
- 29 (j) *Not allow animals within the confines of the demonstration*
- 30 *booth.*
- 31 ~~(h)~~
- 32 (k) *Be operating with all necessary permits to conduct business,*
- 33 *including, but not limited to, valid permits issued by a local*
- 34 *enforcement agency business. In addition to the penalties available*
- 35 *pursuant to Article 6 (commencing with Section 119320), a sponsor*
- 36 *or practitioner who violates this subdivision shall be subject to*
- 37 *closure of the temporary body art event and or a penalty not to*
- 38 *exceed three times the cost of the permit or both closure and the*
- 39 *penalty.*

1 ~~SEC. 8.~~

2 *SEC. 16.* Section 119318 of the Health and Safety Code is
3 amended to read:

4 119318. (a) The sponsor of a temporary body art event shall
5 obtain all necessary permits to conduct business in the jurisdiction
6 where the event will be held, ~~including, but not limited to, valid~~
7 ~~permits issued by a local enforcement agency held.~~ The sponsor
8 shall submit a complete temporary facility permit application to
9 the local enforcement agency a minimum of 30 days prior to the
10 date of the scheduled event. A local enforcement agency may
11 establish a fee not to exceed the amount necessary, but that is
12 sufficient to cover, the actual costs of the administration of this
13 section. In addition to the penalties available pursuant to Article
14 6 (commencing with Section 119320), a sponsor who violates this
15 subdivision shall be subject to closure of the temporary body art
16 event and a penalty not to exceed three times the cost of the permit.

17 (b) *The sponsor shall not allow a person to perform body art*
18 *procedures at the event unless the person has a valid body art*
19 *practitioner registration.*

20 ~~(b)~~

21 (c) The sponsor of a temporary body art event shall be
22 responsible for ensuring the availability of support facilities and
23 supplies for practitioners and vendors, including, but not limited
24 to:

25 ~~(1) Access to a potable water supply.~~

26 (1) *A demonstration booth that meets the requirements of*
27 *subdivisions (a) to (k), inclusive, of Section 119317.*

28 (2) Restrooms that have flush toilets supplied with toilet paper,
29 and hand wash sinks supplied with hot and cold potable running
30 water, soap, and single-use paper towels to which practitioners
31 have direct access.

32 (3) Sharps waste containers for each demonstration booth.

33 (4) The use of a licensed medical waste disposal company for
34 removal of all sharps waste containers used during the body art
35 event.

36 (5) Frequent trash pickup from demonstration booths.

37 (6) *Waste water removal and potable water recharge for hand*
38 *wash areas at a frequency that will provide uninterrupted use, or*
39 *as determined by the local enforcement agency.*

40 ~~(6) A~~

1 (7) *When applicable*, decontamination and sterilization area that
2 is separated from a procedure area by at least five feet or by a
3 cleanable barrier.

4 ~~(7)~~

5 (8) Adequate backup supplies that have been stored in
6 compliance with subdivision (d) of Section 119315 and that can
7 be purchased by practitioners, including, but not limited to:

8 (A) Presterilized tattoo needles.

9 (B) Presterilized needle tubes.

10 (C) Presterilized piercing instruments, including, but not limited
11 to, needles, receiving tubes, corks, marking tools, and forceps.

12 (D) Plastic bags, barrier film, clip cord covers, and plastic wrap.

13 (E) Ink cups.

14 (F) Nitrile and latex gloves.

15 (G) Single-use tubes of water-based and petroleum-based
16 lubricants.

17 (H) Absorbent dressing materials.

18 (I) *All forms and documents required to perform body art,*
19 *including, but not limited to, client consent forms, medical history*
20 *forms, aftercare instructions, and single-use instrument logs.*

21 ~~(e)~~

22 (d) The name, telephone number, and directions to an emergency
23 room near the temporary body art event shall be posted in a
24 conspicuous location.

25 ~~(e)~~

26 (e) Each practitioner working in a booth at a temporary body
27 art event shall display his or her certificate of registration, or keep
28 the certificate in a folder that is available for inspection upon
29 request of the enforcement officer or a client.

30 *SEC. 17. Section 119319 of the Health and Safety Code is*
31 *amended to read:*

32 119319. (a) An enforcement officer may enter a body art
33 facility during the facility's hours of operation and other reasonable
34 times to do any of the following:

35 (1) Conduct inspections, issue citations, and secure samples,
36 photographs, or other evidence from a body art facility, or any
37 facility suspected of being a body art facility.

38 (2) Check the Infection Prevention and Control Plan, required
39 pursuant to Section 119313, to determine if persons working in

1 the facility are following the plan, and to determine if the plan is
2 in compliance with this chapter.

3 (3) Secure as evidence documents, or copies of documents,
4 including the Infection Prevention and Control Plan, or any record,
5 file, paper, process, invoice, or receipt for the purpose of
6 determining compliance with this chapter.

7 (b) A written report shall be made and a copy shall be supplied
8 or mailed to the owner or practitioner at the completion of an
9 inspection or investigation.

10 (c) Based upon inspection findings or other evidence, an
11 enforcement officer may impound instruments that are found to
12 be unsafe to use, *used in an unapproved manner, or used in an*
13 *unapproved location*. Within 30 days, the local enforcement agency
14 that has impounded the equipment shall commence proceedings
15 to release the instrument or to seek administrative or legal remedy
16 for its disposal.

17 (d) It is a violation of this chapter for the owner or a person
18 working in a body art facility to do any of the following:

19 (1) Conceal records or evidence, or to withhold evidence.

20 (2) Interfere with the performance of the duties of an
21 enforcement officer.

22 (3) Make a false statement, representation, certification, record,
23 report, or otherwise falsify information required to be submitted
24 or maintained pursuant to this chapter.

25 *SEC. 18. Section 119323 of the Health and Safety Code is*
26 *amended to read:*

27 119323. Performing body art without being registered,
28 *performing body art at an unpermitted location*, operating a body
29 art facility without a health permit, or operating a temporary body
30 art event without a permit shall be a misdemeanor. The local
31 enforcement agency may also assess an administrative penalty in
32 an amount not less than twenty-five dollars (\$25) and not more
33 than one thousand dollars (\$1,000) for violation of *a any* provision
34 of this chapter. All fines are to be retained by the local enforcement
35 agency for enforcement of the provisions of this chapter.

36 *SEC. 19. Section 119325 of the Health and Safety Code is*
37 *amended to read:*

38 119325. (a) The piercing of the ear with a mechanical stud
39 and clasp device does not constitute body art *or body piercing* as
40 defined in this chapter. It is the intent of the Legislature, in enacting

1 this article, to provide uniform and statewide requirements for the
2 performance of ear piercing with a mechanical stud and clasp
3 device. The piercing of an ear with a mechanical stud and clasp
4 device shall only be subject to the requirements in this article.

5 (b) The area within a facility where mechanical stud and clasp
6 ear piercing is conducted shall be safe and sanitary and shall not
7 constitute a threat to the public health and safety, as reasonably
8 determined by the local enforcement agency.

9 (c) The mechanical stud and clasp device that is used to pierce
10 an ear pursuant to this article shall be single-use, presterilized, stud
11 and clasp only.

12 (d) The single-use mechanical stud and clasp device used to
13 pierce an ear pursuant to this article shall meet ~~all~~ of the jewelry
14 requirements in ~~subdivisions (a) and (b) of Section 119310~~
15 *subdivision (e)*.

16 (e) *Only jewelry made of ASTM F138, ISO 5832-1, and AISI*
17 *316L or AISI 316LVM implant grade stainless steel, solid 14-karat*
18 *through 18-karat yellow or white gold, niobium, ASTM F 136*
19 *6A4V titanium, platinum, or other materials found to be equally*
20 *biocompatible shall be placed in newly pierced skin.*

21 *SEC. 20. No reimbursement is required by this act pursuant*
22 *to Section 6 of Article XIII B of the California Constitution because*
23 *the only costs that may be incurred by a local agency or school*
24 *district will be incurred because this act creates a new crime or*
25 *infraction, eliminates a crime or infraction, or changes the penalty*
26 *for a crime or infraction, within the meaning of Section 17556 of*
27 *the Government Code, or changes the definition of a crime within*
28 *the meaning of Section 6 of Article XIII B of the California*
29 *Constitution.*