



TENTATIVE AGENDA
BOARD OF ALDERMEN WORK SESSION
ST. PETERS JUSTICE CENTER, 1020 GRAND TETON DRIVE
ST. PETERS, MO 63376
SEPTEMBER 10, 2020 AT 5:00 P.M.

A. Communications from Board Members/Aldermanic Representatives

B. BOA Items for Discussion

No items scheduled for discussion

C. Mayor/City Administrator Item

Unfinished Business Items: None

New Business Items:

1. [Recommendation/ 2020 Concrete Slab Replacement Change Order](#) – Benesek
2. [City Code 615 Body Art Establishments Amendment](#) – Benesek
3. [Secretary of State/Records Retention Schedule](#) – Smith
4. Miscellaneous Updates – Batzel
5. Board Meeting Agenda Item Revisions – Batzel
6. Executive Session re: Litigation, Real Estate and Personnel, pursuant to Section 610.021(1)(2)(3)(9)(12)(13)(14) & 610.022 (1-6)

D. Adjournment

AGENDA Posted at City Hall: September 8, 2020
By: P. Smith, City Clerk

Next Work Session: September 24, 2020

RBA FORM (OFFICE USE)

MEETING DATE: September 10, 2020

Regular () Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance () Other (X)

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 () 4 () All Wards (X)

Brief Description: Proposed ordinance authorizing the City Administrator to execute a contract change order for the 2020 Concrete Slab Replacement Program.

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation: Please see the attached memo dated August 31, 2020

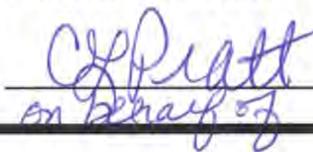
Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

Execution of this ordinance will authorize a net \$131,080.96 increase in the contract value, from \$1,153,613.20 to \$1,284,694.16.

Funds for this change order will come from a reallocation of FY 2020 street repair and maintenance accounts budgeted within the Transportation Trust Fund.

RBA requested by: Burt Benesek, Manager/TDS CA: Russell W. Batzel







INTEROFFICE MEMORANDUM

TO: RUSS BATZEL, CITY ADMINSTRATOR
FROM: WILLIAM B. BENESEK, MANAGER/TDS *WB 8/31/20*
SUBJECT: 2020 CONCRETE SLAB REPLACEMENT PROGRAM
 CONTRACT CHANGE ORDER NO. 3 RECOMMENDATION
DATE: AUGUST 31, 2020
CC: AMANDA RICH, TRANSPORTATION ENGINEER; JEFF BATEMAN, STREET MAINTENANCE SUPERINTENDENT

Recommendation: I request approval to execute Contract Change Order No. 3 for the 2020 Concrete Slab Replacement Program (Bid No. 20-116), awarded to M&H Concrete Contractors, Inc., of St. Peters, Missouri. After accounting for previously executed change orders, and the additional work requested to address resident concerns, approval of this recommendation will authorize a \$131,080.96 increase the contract value, from \$1,153,613.20 to \$1,284,694.16. Below is a summary of the contract changes to date:

Original Contract:	\$1,153,613.20
Change Order 1 (Approved);	\$25,157.20
Change Order 2 (Approved):	\$27,553.76
Change Order 3 (Pending):	\$78,370.00
Total:	\$1,284,694.16

Funds for this change order will come from a reallocation of remaining FY2020 street maintenance funds budgeted for pavement joint repair, pavement joint and crack sealing and other street maintenance repair and maintenance accounts budget within the Transportation Trust Fund.

Background: The initial contract executed with M&H Concrete Contractors, of St. Peters, MO, included the removal and replacement of 26,287 square yards of concrete pavement on 38 streets, with associated sidewalk and accessibility improvements. M&H Concrete submitted the lowest responsive bid of \$1,153,613.20, which is approximately 10% lower than the second lowest bid received and 13.5% lower than the average of bids received.

M&H Concrete has completed concrete pavement replacement identified in the initial contract, except for work on Outlook Ct. and Vista Point Ct. There was a very small volume of work at these locations, so it was removed from the contract so that City staff could complete the repairs.

Previously approved change orders accounted for adjustments to the project quantities for 6" pavement replacement due to field measurement and the addition of 6" pavement replacement along Meagan Drive and The Crossings at Bella Vista subdivision. All costs associated with the pavement replacement in The Crossings at Bella Vista subdivision was paid for by the developer. The total value of these previously approved change orders is \$52,710.96.

The proposed change order (Change Order No. 3) will account for adjustments to the contract quantities for work completed based on final field measurements and the addition of approximately 1,750 square yards of concrete pavement replacement along Laurelwood Dr. and Kirkwood Ct. This additional pavement replacement will address multiple pavement condition concerns on file.

RBA FORM (OFFICE USE)

MEETING DATE: September 10, 2020

Regular () Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance (X) Other ()

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 () 4 () All Wards (X)

Brief Description: An ordinance repealing Chapter 615 Tattoo Establishments of the St. Peters' City Code in its entirety and enacting a new Chapter 615 Body Art Establishments, in lieu thereof.

Staff: Recommended (X) Not recommended () No Position ()

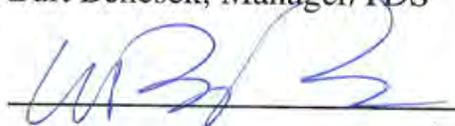
Summary/Explanation:

The proposed changes to the St. Peters' City Code Chapter 615 enable the City of St. Peters to become more consistent with current state and county codes and practices. The proposed changes will grant the St. Peters' Health Department authority to regulate health and safety standards for all establishments that offer piercing and body art procedures. These procedures include, but are not limited to, tattoos, body piercing, branding and scarification. The proposed code revision will accomplish the following:

1. Change the name of Chapter 615 from Tattoo Establishments to Body Art Establishments. This chapter name change will clarify definitions and/or requirements for sanitation, sterilization, disinfection and safety procedures, jewelry standards, inks, dyes, and pigments requirements, sterilization or single-use equipment, and other necessary requirements to operate a body art establishment within the City of St. Peters.
2. Incorporate regulations to provide oversight of permanent cosmetics and the use of piercing guns.
3. Require for body artist licenses and body art establishment licenses.
4. Establish facility recordkeeping requirements, which includes copies of signed release forms from patrons acknowledging consent to procedure(s) and completed procedure record forms signed by the body artist.
5. Establish requirements for handling of biomedical waste.
6. Establish re-inspection fees for critical violations. A re-inspection fee for the first critical violation in a calendar year will be \$60.00; each additional critical violation re-inspection in the same calendar year will be \$110.00.

Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)
The proposed violation and re-inspection fees incorporated in this code revision are expected to account for the additional costs incurred by City staff due to these changes.

RBA requested by: Burt Benesek, Manager/TDS CA: Russell W. Batzel




on behalf of

ORDINANCE NO.

AN ORDINANCE REPEALING CHAPTER 615 TATTOO ESTABLISHMENTS, OF TITLE VI: BUSINESS AND OCCUPATIONS, OF THE CODE OF THE CITY OF ST. PETERS, MISSOURI, IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 615 BODY ART ESTABLISHMENTS, IN LIEU THEREOF

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, deems it to be in the best interest of the City and for the health and welfare of its citizenry, to regulate certain procedures regarding establishments within said City that perform body art; and

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, deems it to be in the best interest of the City and its citizenry, and pursuant to its general police powers and in order to promote the health, safety, and general welfare of its citizens, that it repeal Chapter 615 Tattoo Establishments of Title VI: Business and Occupations of The Code of the City of St. Peters, Missouri, in its entirety and enact a new Chapter 615, in lieu thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

SECTION NO. 1. The Board of Aldermen of the City of St. Peters, Missouri, does hereby repeal Chapter 615 – Tattoo Establishments of Title VI: Business and Occupations, of The Code of the City of St. Peters, Missouri, in its entirety.

SECTION NO. 2. That the Board of Aldermen of the City of St. Peters, Missouri, does hereby enact a new Chapter 615 Body Art Establishments, in lieu thereof, to wit:

CHAPTER 615 Body Art Establishments.

Section 615.005 **Penalty.**

Any person violating, neglecting or refusing to comply with any provision of this Chapter shall be guilty, upon conviction of same, of an ordinance violation and shall be fined as set out in Section **100.060** of this Code.

Section 615.010 **Definitions.**

As used in this Chapter, the following terms shall have these prescribed meanings:

ADULT

An individual who is eighteen (18) years of age or older.

No.

AFTERCARE

Recommended instructions specific to the body art procedure(s) rendered, given to the client about caring for the body art and surrounding area. These instructions shall include information about when to seek medical treatment, if necessary.

ANTISEPTIC

A product that is labeled as useful in preventing diseases caused by microorganisms present on the skin and/or on mucosal surfaces of humans. This includes products meant to kill germs and/or labeled as “antiseptic,” “antimicrobial,” “antibacterial,” “microbicide,” or “germicide,” or other similar terms. These products must be in compliance with Section 201(g)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(o)(o)).

ASEPTIC TECHNIQUE

A set of specific practices and procedures performed under controlled conditions with the goal of minimizing contamination by pathogens.

AUTOCLAVE

A device that is intended for use by a user to sterilize products by means of pressurized steam. This device must comply with one of three types of steam programs defined as B, N, and S by standard EN13060, ISO 17665.

AUTOMATED INSTRUMENT WASHER

A mechanical washer designed specifically for the decontamination of instruments prior to sterilization. These devices must comply with ISO 15883-1/2.

BIOCOMPATIBLE

The ability of an object to be inserted into a person without eliciting any undesirable local or systemic effects in that person.

BIOMEDICAL WASTE

Any solid or liquid waste that can present a threat of infection to humans, including non-liquid tissue, body parts, blood, blood products, and body fluids from humans; wastes that contain human disease-causing agents; and discarded sharps. The following are also included:

1. Used, absorbent materials saturated with blood, blood products, body fluids, or excretions/secretions contaminated with visible blood. Also includes absorbent materials saturated with blood or blood products that have dried.
2. Nonabsorbent, disposable devices that have been contaminated with blood, body fluids or, secretions/excretions visibly contaminated with blood, but the devices have not been treated by an approved method.

No.

BLOODBORNE PATHOGEN

Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV) [Occupational Safety and Health Administration [OSHA] definition 29cfr 1910.1030(b)].

BODY ART

Body piercing, tattooing, branding, scarification, or permanent cosmetics.

BODY ART ESTABLISHMENT

Any place or premise, whether licensed or not, public or private, temporary or permanent, in nature or inside, for profit or not, where the practices of body art are performed.

BODY ARTIST

Any person performing body art services, whether licensed or not.

BODY PIERCING

Any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.

BRANDING

The process in which a mark or marks are burned into human skin tissue with the intention of leaving a permanent mark.

CAS REGISTRY NUMBER (also referred to as CASRN or CAS Number)

A unique numerical identifier assigned by the Chemical Abstracts Service (CAS) to every chemical substance described in the open scientific literature.

CHRONIC/REPEAT VIOLATIONS

A violation that has occurred three times within five inspections.

CITY

The City of St. Peters, Missouri.

CLIENT

An individual upon whom a body artist performs a body art procedure.

COMPLAINT OF INJURY FORM

A document used to file with the Department a notice of injury as a result of a body art procedure.

CONTAMINATED

The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

No.

COSMETIC TATTOOING

See **PERMANENT COSMETICS**

CRITICAL VIOLATIONS

Those items that are likely to cause an imminent health danger to the public and/or body artist.

CYCLE NUMBER

A unique number that corresponds to each individual autoclave cycle. This number is used as an identifier. It might or might not include the date as part of the number.

DECONTAMINATION

The use of physical and/or chemical means to remove, inactivate, or destroy pathogens on a surface. A surface/item is decontaminated when there are no infectious particles, and then the surface/item is rendered safe for handling, use, or disposal (OSHA).

DEPARTMENT

The City of St. Peters Health Department.

DILUENT

A substance used to dilute something.

DISINFECTANT

A product that is tuberculocidal and registered by the U.S. Environmental Protection Agency, as indicated on the label for use in disinfection.

DISINFECT

To destroy pathogenic and other kinds of microorganisms by physical and/or chemical means. Disinfection is less lethal than sterilization because it destroys most recognized pathogenic microorganisms; it does not, however, necessarily destroy all microbial forms, such as bacterial spores. Disinfection does not ensure the margin of safety associated with sterilization processes (Centers for Disease Control and Prevention's [CDC] Division of Oral Health).

DIVISION

The Missouri Division of Professional Registration.

EAR PIERCING GUN

A stud-and-clasp ear-piercing system.

EQUIPMENT

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 body artist, or used within the sterilization/decontamination and disinfection processes.

No.

FACILITY

See **BODY ART ESTABLISHMENT**

FURNISHINGS

All fixtures, furniture, and other objects within a body art establishment that are not integral to the structure of the physical establishment (e.g., walls, windows, doors) and are not used in the storage of body art equipment, application of body art, or its sterilization/decontamination and disinfection processes.

GLOVES

Medical grade or exam grade, sterile or nonsterile, disposable, single-use, full-hand coverings worn for protection against disease transmission.

GUARDIAN

A person lawfully invested with the power and charged with the obligation of taking care of managing the property and rights of a person who, because of age, understanding, or self-control, is considered incapable of administering his or her own affairs.

HAND WASHING

The act of cleaning one's hands for the purpose of removing dirt, soil, or microorganisms through the use of soap, warm water, and friction.

HAND WASHING SINK

A sink equipped to provide water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet, used solely for washing hands, arms, or prosthetics.

HAZARDOUS WASTE

All substances that exposure to results or can result in adverse effects on human health and safety under 29 CFR 1910.120 OSHA.

HEALTH OFFICER

The person/persons designated by the City of St. Peters as Food and Health Inspector(s) who have jurisdiction over health inspections. These employees report directly to the Health Supervisor.

HEALTH SUPERVISOR

The person designated by the City of St. Peters as an authorized representative of said City, having jurisdiction over food establishments within said City, and to whom the Health Officers report.

IDENTIFICATION

Government-issued ID card with name, photo, and birthdate.

No.

IMMINENT HEALTH HAZARD

A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction.

INFORMED CONSENT AND RELEASE FORM

A form signed by a client prior to a body art procedure to confirm that he or she agrees to the procedure and is aware of any risks that might be involved.

INSPECTION

A careful examination, exploration, or evaluation of the body art establishment and the body artist by the Department in compliance with this document.

INSTRUMENTS/TOOLS/DEVICES/IMPLEMENTS USED FOR BODY ART

Handpieces, needles, needle bars, forceps, and other tools that could come in contact with a client's body or could be exposed to bodily fluids during body art procedures.

JEWELRY

Any biocompatible object that is worn through a body piercing.

LICENSE

Written approval by the Department to operate a body art establishment or to perform body art. If ear lobe piercings are performed in a jewelry store, the store must be licensed as a body art establishment, but the body artist who performs ear lobe piercings within the jewelry store is exempt from body artist licensing requirements regarding apprenticeship as identified in the Division in Title 20, Division 2267, Chapter 2, of the Code of State Regulations. Approval is given in accordance with this Code and in addition to any other local, state, or federal requirements.

LICENSEE

An individual or entity granted the license under state and local ordinance.

MAINTENANCE

Repairs and upkeep to equipment as recommended by the manufacturer.

MATERIAL CERTIFICATE

All documents intended to state the specifics of a material used for body jewelry. Names for these documents include but are not limited to Mill Certificates, Material Certificates, Metal Composition Sheets, MSD, and Material Certification Sheets.

MINOR

An individual who is under the legal age of consent.

No.

MUCOSAL SURFACE

The moisture-secreting membrane lining of all body cavities or passages that communicates with the exterior, including but not limited to the nose, mouth, vulva, and urethra.

MUNICIPAL SOLID WASTE

Common trash or garbage that does not meet the definition of hazardous or biomedical waste.

NONCRITICAL VIOLATIONS

Those items are not likely to cause an imminent health danger to the public and/or the practitioner.

OPERATING PLAN

A document detailing policies and procedures regarding the containment, labeling, storage, and transport of biomedical waste, in addition to detailed training for personnel of the body art establishment.

OPERATOR

Any person, whether permitted or not, who controls any interest in, operates, or manages a body art establishment and who is responsible for compliance with these regulations, whether or not actually performing body art activities.

PERMANENT COSMETICS

A tattoo, whether permanent, semi-permanent, or temporary, by someone other than a licensed physician or under the direct supervision of a licensed physician, which includes but is not limited to eyebrows, eyelids, lips, and other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation. This term includes any procedures whether referred to as, but not limited to, “permanent makeup,” “microdermapigmentation,” “micropigment implantation,” “microblading,” “micro-needling with the use of pigment,” “dermagraphics,” “cosmetic tattooing,” or any other similar procedures and for the purpose of this Code has the same meaning as “tattoo.”

PERSONNEL

Employees, body artists, contracted body artists, and agents of the body art facility, whether or not actually performing body art activities.

PHYSICIAN

A person licensed by the state to practice medicine in all its branches and may include other areas such as dentistry, osteopathy, or acupuncture, depending on the rules and regulations particular to that state.

No.

OTHER POTENTIALLY INFECTIOUS MATERIAL (OPIM)

1. The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
2. Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and
3. HIV-containing cell or tissue cultures, organ cultures, HIV- or HBV-containing culture medium or other solutions, blood, organs, or other tissues from experimental animals infected with HIV, HVC, or HBV (OSHA - 29 CFR 1910.1030).

PROCEDURE

The act of performing body art.

PROCEDURE AREA

A room, or portion of a room, or any surface of an inanimate object that is designated to be used only to perform body art.

PROCEDURE SITE

The area or location on the client's body selected for the placement of body art.

PROPYLENE GAS

Any gas that is labeled with a CAS Registry Number of 115-07-1 (this includes but is not limited to MAPP gas and methyl ethylene gas).

REGULATED WASTE

Liquid or semiliquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials [OSHA definition 29cfr 1910.1030(b)].

SAFETY DATA SHEET (SDS)

A document for any potentially harmful chemical that includes information such as the properties of each chemical; the physical hazards, health hazards, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical [as per The Hazard Communication Standard (29 CFR 1910.1200(g))].

SCARIFICATION

The process in which a mark or marks are cut into human skin tissue with the intention of leaving a permanent mark.

No.

SHARPS

Any objects that can purposely or accidentally cut or penetrate the skin or mucosa, including but not limited to pre-sterilized, single-use needles; scalpel blades; and razor blades.

SHARPS CONTAINER

A closable, puncture-resistant, leak-proof (on sides and bottom) container made specifically to be a sharps container that meets NIOSH standards and can be closed for handling, storage, transportation, and disposal. A sharps container must be labeled with the international biohazard symbol.

SHARPS DISPOSAL

Used sharps containers are stored and disposed of by medical waste collection or disposal services that are authorized to handle such waste.

SINGLE USE

Products or items that are intended for one-time, one-person use and are disposed of after use on each client, including but not limited to 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 protective gloves.

STANDARD PRECAUTIONS/UNIVERSAL PRECAUTIONS

A set of infection control practices used to prevent transmission of diseases that can be acquired by contact with blood, body fluids, non-intact skin (including rashes), and mucous membranes.

STERILIZATION

A validated process used to render a product free from viable microorganisms [International Organization for Standardization 11139].

STERILIZATION AREA or STERILIZATION ROOM

A room or enclosed area, set apart and used only to clean, decontaminate, and sterilize instruments. This room must be enclosed, not open to the public, and used only for cleaning, sterilization, and related tasks.

STRIKE BRANDING

The process by which a mark is burned with heated metal into the tissue of a person.

SURFACE ANCHOR, SINGLE-POINT PIERCINGS, DERMAL ANCHORS or MICRODERMAL

A piercing that is installed by piercing into the skin at the desired location and the base of the jewelry is inserted via this same hole, which it also exits from.

No.

STERILE GLOVES

A medical-grade or exam-grade disposable, single-use covering for the hands worn for protection against disease transmission. Sterile gloves have been sterilized by the manufacturer or by following the sterilization protocol set forth by the glove manufacturer.

STERILE WATER

Water that is purchased from the manufacturer sterile, in a single-use container.

STERILITY

A state of being free from viable microorganisms [ISO 11139].

TATTOO

The mark resulting from the act of tattooing.

TATTOOING

Any act of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other method used to puncture the skin, resulting in permanent or temporary colorization of the skin or mucosa. This includes all forms of permanent cosmetics.

THERMAL CAUTERY UNIT (TCU)

An electrical device that provides direct or alternating current that is passed through a resistant metal wire electrode, generating heat used for branding.

ULTRASONIC CLEANER or ULTRASONIC

A device that removes debris by a process called cavitation, in which waves of acoustic energy are propagated in aqueous solutions to disrupt the bonds that hold particulate matter to surfaces [Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008, Section 445].

ULTRAVIOLET AIR PURIFIER

A machine designed to use ultraviolet germicidal irradiation (UVGI) as a means of purifying air.

ULTRAVIOLET GERMICIDAL IRRADIATION (UVGI)

A disinfection method that uses short-wavelength ultraviolet (UV-C) light to kill or inactivate microorganisms by destroying nucleic acids and disrupting their DNA, leaving them unable to perform vital cellular functions.

VIOLATION

The act of violating or going against any section or subsection of this document.

WORKSTATION

The area within a procedure area where a body artist performs body art. The workstation

No.

includes but is not limited to the client chair or table, counter, mayo stand, instrument tray, storage drawer, and practitioner's chair.

Section 615.015 Licensing Requirements.

A. *Body Art Establishment License.*

1. No person, firm, partnership, joint venture, association, business trust, corporation, or organized group of persons shall operate a body art establishment except with a body art establishment license issued annually from the City.
2. The applicant shall include payment of an annual license fee set by the City for each body art establishment license as stated in the schedule provided in Section 605.013.
3. A license for a body art establishment may not be transferable from one place or person to another.
4. It is the responsibility of the facility owner to ensure that all employees, contractors, and agents of the facility understand and adhere to this Code.
5. Any business using an ear-piercing gun or similar device must be licensed by the City as a body art establishment.
6. Any jewelry store which offers ear lobe piercing, as a convenience to their patrons, by using an ear-piercing gun or similar device must be licensed by the City as a body art establishment; however, their employees who perform the ear lobe piercings are exempt from body artist licensing requirements regarding apprenticeship as identified in the Division in Title 20, Division 2267, Chapter 2, of the Code of State Regulations. (See Section 615.030).
7. Body art establishment licenses must be posted in a prominent and conspicuous area where they can be easily seen by the public.

B. *Body Artist License.*

1. No person may practice body art procedures without first obtaining a body artist license from the City. The City sets an annual fee for obtaining such licenses as stated in a schedule provided in Section 605.013.
2. The body artist license expires annually on a date identified by the City.
3. Application for a body artist license must be completed on a form provided by the City.
4. The body artist must meet all state licensing requirements as described by the Division in Title 20, Division 2267, Chapter 2 of the Code of State Regulations.
5. No body artist license must be issued unless the body artist has demonstrated compliance with the provisions of this section and all other provisions of this Code.
6. Any person performing ear-piercing, using an ear-piercing gun or similar device and limited to the ear lobe, must follow the rules set forth in Section 615.030.
7. Body artist licenses must be posted in a prominent and conspicuous area where they can be easily seen.

No.

Section 615.020 **Fees.**

The operator of a tattoo, body piercing or branding establishment shall pay an annual license fee to the City as stated in the schedule provided in Section 605.013.

Section 615.025 **License Renewal.**

If a practitioner or establishment license is renewed by the Division in compliance with the requirements of Sections 324.520 to 324.526, RSMo, as amended, the City shall renew the City-issued license for such practitioner or establishment upon the City's receipt of a completed license renewal application and the applicable license fee.

Section 615.030 **Tattoo, Body Piercing, Branding and Scarification.**

A. Tattoo.

1. Specific Considerations for Tattooing:
 - a. All inks, dyes, and pigments must be specifically manufactured for performing body art procedures.
 - b. Only distilled water or sterile water dispensed from an unopened single-use container may be used for the mixing of inks, dyes, or pigments. Diluting with potable water is not acceptable. Such dilution must be single use for the individual procedure. Immediately before a tattoo is applied, the quantity of the dye to be used must be transferred from the dye bottle and placed into single-use plastic cups or caps.
 - c. Upon completion of a tattoo, all single-use items and their contents must be discarded.
2. Specific Considerations for Cosmetic Tattooing:
 - a. For individuals performing microblading or manual procedures, once the needle grouping (blade) is attached to the handpiece it cannot be removed and must be fully disposed of into the sharps container. Any remaining equipment also must be disposed of into the sharps container.
 - b. For rationale, see the NEHA policy statement on microblading.

B. Body Piercing.

1. Clarification of Other Piercing Devices:
 - a. Individuals who perform piercings with ear-piercing guns; pre-sterilized single-use, stud-and-clasp ear-piercing systems; or similar devices must have the following training, as required for body piercing:
 - 1) bloodborne pathogen;
 - 2) first aid; and
 - 3) cardiopulmonary resuscitation (CPR).
 - b. Individuals who perform ear lobe piercings within a jewelry store using ear-piercing guns; pre-sterilized single-use, stud-and-clasp ear-piercing systems; or similar devices, exclusively, will not be required to be licensed as body artists and therefore

No.

- will not be required to meet the licensing requirements regarding apprenticeship as identified by the Division in Title 20, Division 2267, Chapter 2, of the Code of State Regulations.
- c. Use of ear-piercing guns is limited to the standard and upper ear lobe.
 - d. The body artist must wear sterile gloves when coming into contact with sterile equipment during the procedure.
 - e. For rationale, see the NEHA policy statement on ear-piercing guns.
2. Jewelry Standards.
- a. All jewelry used for initial piercings must meet the following standards:
 - 1) Any and all materials shall meet ASTM and/or ISO standards for implantation. Examples of these include but are not limited to:
 - a) steel that is ASTM F138 compliant or ISO 5832-1 compliant,
 - b) steel that is ISO 10993-6, 10993-10, and/or 10993-11 compliant,
 - c) unalloyed titanium that is ASTM F67 or ISO 5832-2 compliant,
 - d) alloyed titanium (Ti6Al4V ELI) that is ASTM F136 compliant or ISO 5832-3 compliant,
 - e) alloyed titanium (Ti6Al7Nb ELI) that is ASTM F1295 compliant or ISO 5832-11 compliant, and
 - f) any polymer or plastic material that is ISO 10993-6, 10993-10, and/or 10993-11 compliant and/or meets the U.S. Pharmacopeia (USP) Class VI classification. This includes but is not limited to polytetrafluoroethylene (PTFE) that is ASTM F754 compliant.
 - 2) Solid 14 karat or higher yellow, white, or rose gold that is nickel free and cadmium free. Gold jewelry used for initial piercing may not be:
 - a) plated, unless using materials approved by this standard over solid 14 karat or
 - b) higher yellow, white, or rose gold that is nickel and cadmium free, gold filled, or
 - c) gold overlay/vermeil.
 - 3) Solid unalloyed or alloyed platinum that is nickel free and cadmium free.
 - 4) Unalloyed niobium (Nb) that is ASTM B392 compliant. This includes but is not limited to:
 - a) commercial grade 2 niobium and
 - b) commercial grade 4 niobium that contains 1% zirconium.
 - 5) Glass that is lead free. This includes, but is not limited to:
 - a) fused quartz,
 - b) borosilicate, and
 - c) soda-lime.
 - 6) All threaded or press-fit jewelry must 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.
 - 8) Metals must have a consistent mirror finish on surfaces that frequently come in contact with tissue.

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- 9) All jewelry used for initial piercing on people older than twelve (12) years must be ASTM F2999 compliant.
 - 10) All jewelry used for initial piercing on people twelve (12) and younger must be ASTM F2923 compliant.
- b. Receipts for jewelry purchased for initial piercings must:
- 1) Be retained for a minimum of two (2) years. Records must be kept on premises and must be available to the Department upon request.
 - 2) List specifications for materials sold as designated in Section 615.030(B).
- c. Material certificate from jewelry suppliers for jewelry used for initial piercings must:
- 1) Be updated from the supplier for each new lot of material.
 - 2) Be retained for a minimum of two (2) years. Records must be kept on premises and must be available to the Department 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.

C. *Specific Considerations for Branding.*

1. The procedure area must have walls that extend to the ceiling and a closable door.
2. The procedure area must be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations.
3. Any person present during the procedure, including all personnel and the client, must wear a mask rated as N-95 or higher.
4. Body artists must use the process of "strike branding" or use a thermal cautery unit (TCU).
5. Only non-galvanized metal may be used for "strike branding."
6. Body artists should use only propylene gas to heat the metal for "strike branding."

D. *Specific Considerations for Scarification.*

1. The client must be eighteen (18) years of age.
2. The body artist must wear disposable sleeves for personal protective equipment (PPE).
3. The procedure area must have walls that extend to the ceiling and a closable door.
4. The procedure area must be equipped with an ultraviolet air purifier appropriately sized to the room based on the square footage and the manufacturer's recommendations.
5. The body artist must wear sterile gloves when coming into contact with sterile equipment during the procedure.

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E. Requirements for body art establishments.

1. All walls, floors, procedure areas, and workstations of a body art establishment must be smooth, free of open holes or cracks, easy to clean, and in good repair. Walls, floors, and ceilings must be maintained in a clean condition. All procedure areas and workstations, including client chairs and benches, must be of construction that is easily cleaned and disinfected after each client.
2. All body art establishments must be completely separated by solid partitions or by walls extending from floor to ceiling from any room used for human habitation, any food establishment or room where food is prepared, any nail or hair salon, or any other such activity that could cause potential contamination of work surfaces.
3. The facility must be free of pests, including insects, rodents, and vermin.
4. Smoking and vaping are prohibited in all indoor areas.
5. There must be a minimum of 80 square feet of floor space for each procedure area in the establishment.
6. If the establishment offers an area screened in from public view for clients requesting privacy, it must be constructed and operated in compliance with this Code (e.g., smooth and easy to clean)
7. The establishment must be well-ventilated and have an artificial light source equivalent to at least 20 lumens per square foot 3 feet off the floor. Where the body art procedure is being performed and where instruments and sharps are assembled, there must be an artificial light source equivalent to at least 100 lumens per square foot.
8. No animals of any kind are allowed in a body art establishment except service animals used by persons with disabilities in accordance with ADA regulations. Fish aquariums are allowed in waiting rooms and nonprocedural areas. Fish aquariums must contain only aquatic species that can survive under water for a minimum of 48 hours.
9. The body art procedure area must be equipped with a separate, readily accessible hand washing sink that is supplied with soap and disposable paper towels in dispensers.
10. The body art procedure area must be equipped with hand washing facilities for its personnel with unobstructed access (e.g., no doors), such that the body artists can go to and from their workstations without having to touch anything with their hands.
11. There must be a minimum of one lavatory, excluding any service sinks, in a body art establishment.
12. If reusable instruments are used in a body art establishment, a separate sterilization room is required. The sterilization room must have the following:
 - a. A sink used only for cleaning contaminated instruments. This sink should not be used for hand washing.
 - b. A covered ultrasonic and/or instrument washer.
 - c. Cabinets or drawers made of smooth nonporous wipeable materials if any items are stored in the room.
 - d. No other services including but not limited to tattooing, piercing, or retail sales may occur within this sterilization room/area.

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- e. The covered ultrasonic unit and the sink used for rinsing and scrubbing contaminated tools must be separated from the autoclave to prevent contamination.
 - f. If space is a problem, one solution is to install a Plexiglas, stainless steel, or other nonporous barrier to prevent cross contamination.
13. Water supply and wastewater disposal methods must meet all local and/or state regulations.
 14. A lined, covered waste receptacle must be provided in every procedure area and restroom. The receptacles must be cleanable, kept clean, and have self-closing lids with hands-free controls. The receptacles must be emptied when needed. Municipal solid waste removal must meet all local and/or state regulations.
 15. All non-contaminated instruments must be stored in a dry, disinfected, closed cabinet, drawer, or tightly covered container reserved for the storage of such instruments.
 16. No reusable cloth or similar material-items may be used in a body art establishment. No multiple use materials may be employed for body art procedures unless they are nonporous and can be cleaned and disinfected.

Section 615.035 **Standards of Practice.**

A. *Body Art Operator Requirements and Professional Standards.*

1. Persons performing body art procedures or any other task or function in a body art facility must use aseptic techniques.
2. The body artist must be a minimum of eighteen (18) years of age.
3. It is unlawful for any person to perform body art procedures unless such procedures are performed in a body art establishment with a current applicable license or other certification.
4. The body artist must maintain hair, skin, and clothes that are free of visible particulate matter and debris. The body artist must keep fingernails short with smooth, filed edges to allow thorough cleaning and prevent glove tears.
5. The body artist must be free of any open wound that cannot be covered, any infection, or other visible or communicable diseases that can be transmitted as a result of carrying out the body art procedure.
6. Any surface of the skin or mucosa to receive a body art procedure must be free of suspected rash or any suspected visible infection.
7. Before performing body art procedures, body artists must thoroughly wash their hands in a hand washing sink as specified under Section 615.030(E).
8. When coming into contact with the client, the body artist must wear gloves at all times. The gloves must be immediately discarded and the body artist's hands must be washed—at a minimum—after the completion of each procedure, and/or when gloves are torn, punctured, or otherwise compromised, or at any other time when necessary to prevent cross contamination.
9. Any item or instrument used for body art that becomes contaminated during the procedure must be immediately removed from the procedure area and, if necessary, replaced before the procedure resumes.

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10. Eating or drinking by anyone is prohibited in the area where body art preparations or procedures are performed and any location where instruments or supplies are stored or cleaned. Exceptions must be made for the purpose of rendering first aid.
11. Before and after performing body art procedures, the body artist must thoroughly wash their hands according to the hand washing procedure below:
 - a. Remove all rings, watches, and bracelet surrounding your hands.
 - b. Turn on warm water, wet hands, and apply soap.
 - c. Rubbing your hands together, make a soapy lather.
 - d. Make sure you include all your fingers, wash between your fingers, thumbs, nails, cuticles, wrists, palm to palm, and the top of your hands.
 - e. Rinse your hands with your fingers pointed up toward the faucet and rinse down to your wrists.
 - f. Pat dry with a clean disposable towel.
 - g. Use a new clean disposable towel to turn off the handles of the sink.

B. *Public Notification Requirements.*

1. A current body art establishment license must be posted in a prominent and conspicuous area where it can be readily observed.
2. All body artist licenses must be posted in a prominent and conspicuous area where they can be readily observed.
3. Written public educational information and aftercare information that has been approved by the Department must be posted in a prominent and conspicuous area where it can be readily observed by clients. The written instructions must advise the client to consult a licensed physician if deemed necessary by the client and must contain the name, address, and phone number of the establishment.
4. The facility license holder must publicly display the name, address, and phone number of the Department that has jurisdiction over the facility and the procedure for filing a complaint.
5. A copy of state body art requirements must be made available to the public upon request.

C. *Facility Recordkeeping Requirements.*

1. All records required by this Code must be kept in print or digital form. The files must be stored in a manner that prohibits access from unauthorized personnel (e.g., locked file cabinet, locked room, password-protected files) and accessible upon request by the Department. The following information must be kept on file on the premises of a body art facility and be readily available for inspection by the Department:
 - a. Each body art facility must establish a written Exposure Control Plan designed to eliminate or minimize personnel exposure to blood or OPIM as required in OSHA 1910.1030(b).
 - b. Files of all employees, contractors, or agents of the body art facility must be kept secure, confidential, and be retained onsite for a minimum of two (2) years past employment termination. The files should include:
 - 1) full names,

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- 2) job description,
 - 3) exact duties,
 - 4) dates of employment,
 - 5) date of birth,
 - 6) primary residence address,
 - 7) applicable phone number(s),
 - 8) e-mail address,
 - 9) a copy of a government-issued photo ID, and
 - 10) documentation of training records:
 - a) annual training in bloodborne pathogens,
 - b) current training in first aid,
 - c) current training in CPR, and
 - d) other continuing education as required by the Department.
- c. Facility information:
- 1) owner's name and address,
 - 2) facility name,
 - 3) hours of operation,
 - 4) county and/or city licenses,
 - 5) state license, and
 - 6) biomedical waste management record.
- d. Equipment maintenance records.
- e. A complete description of standard body art work practices including an emergency plan, exposure control plan, or infection prevention plan.
- f. Safety data sheets for all potentially hazardous chemicals in the body art facility.
- g. Material certificates for applicable materials from each applicable manufacturer.
- h. Spore test results from a third party from the past two (2) years.
- i. Client records (see Section 615.035(D)).
- j. A copy of Department regulations.
- k. Copies of reports for all adverse events that occurred at the facility. Adverse reactions that occur when using FDA-regulated products should be reported to the FDA MedWatch program and noted in the MedWatch Individual Case Safety Report ID (ICSR).
- l. A description of all instruments purchased presterilized and used for any and all body art procedures must be kept on file on the premise of a body art facility for one (1) year past purchase date. This information must be available by request for inspection by the Department. Invoices or orders can satisfy this requirement.

D. Records Retention.

1. All records required by this Code must be kept in print or digital form. All records must be retained for a minimum of two (2) years. Records must be kept on premises and must be available to the Department upon request. The files must be stored in a manner that prohibits access from unauthorized personnel (e.g., locked file cabinet, locked room, password-protected files).

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2. All client records must be retained for a minimum of two (2) years. Records must be kept on premises and must be available to the Department upon request. These records include the:
 - a. customer release, risk notification, informed consent form, and
 - b. complaint and injury form.
3. A written record of all instruments purchased pre-sterilized used for any and all body art procedures must be retained for a minimum of two (2) years. Records must be kept on premises and must be available to the Department upon request. Invoices or orders can satisfy this requirement.

E. Requirements for Single-Use Items.

1. Single-use items must not be used on more than one client for any reason. After use, all single-use needles, razors, and other sharps must be immediately disposed of in approved sharps containers. See Section 615.045(E) for disposal procedures.
2. All products applied to the skin, including body art stencils, pens, markers, etc. must be single use and disposable. Products used in the application of stencils must be dispensed and applied on the area to be tattooed with a suitable clean, single use product and used in a manner to prevent contamination of the original container and its contents. The clean, single use product must be used only once and then discarded. See Section 615.045(E) for disposal procedures.

F. Prohibitions.

1. Performing a body art procedure is prohibited on any minor without the written notarized consent of that person's parent or legal guardian. That consent is required to be given in person to the body artist by the parent or legal guardian before the body artist may perform the body art procedure. In addition, the parent or legal guardian must present identification to the body artist and the body artist must retain a copy of the identification for their records. The parent or legal guardian must be present in the procedure area at the time of the procedure.
2. It is prohibited to perform body art on a person who appears to be under the influence of alcohol or drugs.
3. It is prohibited to operate as a body art establishment or body artist without first obtaining all necessary licenses and approvals from the Department.
4. It is prohibited to obtain or attempt to obtain any body art establishment or body artist license by means of fraud, misrepresentation, or concealment.

Section 615.040 Patrons.

A. Release Form.

In order for the body artist to perform body art on a client, a release form must be stored in accordance with Section 615.035(D) of this document. The release form must be in written and or digital format. A physical and/or digital copy of this form must be offered to the client. The release form must include at a minimum the following sections:

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1. A risk notification section that provides information detailing the risks and possible consequences of a body art procedure must include risks including but not limited to the following:
 - a. body art can cause swelling, bruising, discomfort, bleeding, and pain;
 - b. body art can cause allergic reactions;
 - c. body art can cause irreversible changes to the human body; and
 - d. body art has a risk of infection.
2. A client evaluation section that asks at a minimum the following questions that evaluate the client's condition for receiving body art without violating their medical privacy. This section must include the following statement: Consult a physician prior to the procedure if you have any concerns about any of the questions below:
 - a. Are you eighteen (18) years of age or older?
 - b. Have you eaten within the past 4 hours?
 - c. Are you under the influence of drugs or alcohol?
 - d. Have you ingested anticoagulants, antiplatelet drugs, or NSAIDS (aspirin, ibuprofen, etc.) in the last 24 hours?
 - e. Have you ingested any medication that can inhibit the ability to heal a skin wound?
 - f. Do you have any allergies or adverse reactions to dyes, pigments, latex, iodine, or other such products?
 - g. Do you have hemophilia, epilepsy, a history of seizure, fainting, narcolepsy, or other conditions that could interfere with the body art procedure?
 - h. Do you have a history of skin diseases that might inhibit the healing of the body art procedure?
 - i. Do you have any communicable diseases (i.e., hepatitis A, hepatitis B, HIV, or any other disease that could be transferred to another person during the procedure)?
 - j. Do you have diabetes, high blood pressure, heart condition, heart disease, or any other conditions that could interfere with the body art procedure?
 - k. Are you or have you been pregnant within the last 3 months?
3. Client information:
 - a. name as it appears on government ID,
 - b. signature,
 - c. birthdate,
 - d. permanent address,
 - e. phone number, and
 - f. a copy of their state or federally issued photo ID with birthdate (i.e., driver's license, state ID, passport, immigration card, etc.).

B. Procedure Record Form.

Each body artist must record all body art procedures administered, including date, time, brief description of the procedure performed (type and location), materials used with lot numbers (such as inks, instruments, jewelry, needles), and the body artist's name. In addition,

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identification of the sterilized instruments (i.e., date and time) used during the procedure that corresponds with the autoclave load log for those instruments and/or package/lot number must be recorded.

1. The following information about the body art procedure must be written down:
 - a. type of body art procedure
 - b. location on body
 - c. design if applicable
 - d. jewelry styles and sizes if applicable
 - e. expiration date and batch and/or lot number of all equipment sterilized in the body art procedure or bought pre-sterilized that will be applied to or inserted under the skin
 - f. expiration date, brand, color, batch and/or lot number of all inks, dyes, and pigments used in the body art procedure
 - g. date of body art procedure
 - h. any complications that occurred during the body art procedure.
2. The following information from the body artist must be collected:
 - a. first and last name
 - b. signature

C. *Informed Consent.*

An informed consent statement, including a signature obtained from the customer, must confirm at a minimum the following:

1. client is voluntarily obtaining services of their own free will and volition
2. client has had the opportunity to read and understand the document
3. client has the ability to ask questions about the procedure
4. client has received and understands written and verbal aftercare

D. *Client and Artist Rights.*

1. Nothing in this section should be construed to require the body artist to perform a body art procedure upon a client.
2. The client is entitled to a copy of the completed release form in written and/or digital format.

Section 615.045 **Disinfection, Sterilization and Biomedical Waste.**

A. *Physical Facility, Equipment, Devices and Furnishings.*

1. All surfaces used in the body art procedure must be smooth; free of nicks, cuts, and tears; easily cleanable; and nonporous. Surfaces must be cleaned and then disinfected with an EPA-registered tuberculocidal disinfectant prior to and after the body art procedure.

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2. All surfaces of equipment and furnishings that come into contact with the body artist during a body art procedure must be covered with a protective, impermeable barrier. Barriers must be single-use and discarded after each client.
3. All equipment and devices used to clean and sterilize body art materials and reusable instruments must be suitable for their intended use. The equipment and devices must be used, cleaned, and maintained according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of the equipment must be available for inspection by the Department when available from the supplier.

B. Reusable Instruments.

1. All reusable instruments are to be cleaned and sterilized after each use in the sterilization room or sterilization area. Instruments must be:
 - a. soaked in an enzymatic or other appropriate solution,
 - b. scrubbed to remove debris,
 - c. rinsed and inspected,
 - d. processed through an ultrasonic cycle,
 - e. rinsed,
 - f. dried,
 - g. inspected,
 - h. sterilized, and
 - i. all sterilization loads must include a Class V or better chemical indicator.(Steps a-f may be accomplished using an automated instrument washer.)
2. After being cleaned, all reusable instruments used for body art must be sterilized by one of the below methods:
 - a. Contained in sterilization packaging and subsequently sterilized, with the date and cycle number noted on packaging or indicator strips (see Section 615.035(D)).
 - 1) This information must match up with the sterilization log.
 - 2) All sterilization packaging must have a color-changing chemical indicator.
 - b. Unwrapped and subsequently sterilized, stored, and sterilized again immediately prior to use.
 - c. Afterward, sterilized tools must be stored in a cabinet, drawer, or tightly covered container reserved for the storage of sterilized instruments.
3. An autoclave, ultrasonic, and sterilization room or sterilization area is not be required if the body art establishment uses only pre-sterilized disposable instruments, pre-sterilized body art materials, and pre-sterilized supplies.
4. Proper Storage of Instruments for Body Art Procedures
 - a. in sterile packages and marked with the cycle number until just prior to a body art procedure, or
 - b. cleanly in containers and ready for sterilization immediately prior to the procedure.
5. Sterile Equipment Use and Disposal
 - a. Sterile equipment and body art materials must not be used if the package has been compromised.

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- b. Sterile equipment and body art materials must not be used after the expiration date without first reprocessing and re-sterilizing.
- c. Body art equipment and materials must be disposed of in an appropriate container.

C. *Spore Testing When Using and Autoclave.*

1. Each holder of a license to operate a body art establishment must demonstrate that the autoclave used is capable of attaining sterilization by weekly biological monitoring (spore testing).
2. These tests must be verified by an independent laboratory.
3. The license must not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Department.
4. These test records should be retained for a minimum of two (2) years. Records must be kept on the premises and must be available to the Department upon request. The most recent test must be made available to the public upon request.

D. *Procedure for Responding to a Positive Spore Test.*

If the mechanical (e.g., time, temperature, pressure) and chemical (internal or external) indicators suggest that the autoclave is functioning properly, a single positive spore test result probably does not indicate autoclave malfunction. The autoclave should be removed from service, though, and sterilization operating procedures reviewed to determine if operator error could be responsible (CDC, 2016).

1. In the sterilization log, document procedures taken to remedy the situation.
2. Remove the autoclave from service and review sterilization procedures (e.g., work practices and use of mechanical and chemical indicators) to determine whether operator error could be responsible for the positive spore test.
3. Recall, to the extent possible, and reprocess all items processed since the last negative spore test in a separate autoclave that has negative spore test results.
4. Retest the autoclave by using biological, mechanical, and chemical indicators after correcting any identified procedural problems.
5. If the repeat spore test is negative, and mechanical and chemical indicators are within normal limits, put the autoclave back in service.
6. The following are required if the repeat spore test is positive:
 - a. Do not use the autoclave until it has been inspected or repaired and the exact reason for the positive test has been determined. This work should be done by a factory authorized service professional, who is certified to repair and maintain the specific autoclave that is being worked on.
 - b. Before placing the autoclave back in service, re-challenge the autoclave with biological indicator tests in three consecutive empty chamber sterilization cycles after the cause of the autoclave failure has been determined and corrected.
7. Maintain sterilization records (i.e., sterilization cycles, maintenance, and spore tests) in accordance with this document.

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E. *Biomedical Waste.*

Facility Policies and Procedures

1. All body art establishments must comply with the following:
 - a. If such registration is applicable in the jurisdiction, body art facilities must register as a biomedical waste-generating facility.
 - b. Biomedical waste mixed with hazardous waste must be managed as hazardous waste.
 - c. Any other solid waste or liquid, which is neither hazardous nor radioactive in character, when combined with untreated biomedical waste must be managed as untreated biomedical waste.
 - d. All surfaces contaminated with spilled or leaked biomedical waste must be decontaminated as part of the cleaning process.
2. Each body art establishment must implement a written operating plan to manage biomedical waste in accordance with this code. This written operating plan must be available for review by the Department and facility personnel. The operating plan must include the following:
 - a. description of training for personnel;
 - b. procedures for segregating, labeling, packaging, transporting, storing, and treating biomedical waste;
 - c. procedures for decontaminating biomedical waste spills; and
 - d. a contingency plan for emergencies.
3. All biomedical waste management records must be maintained onsite for two (2) years and must be available for review by the Department.

Storage and Containment

1. Storage.
 - a. Storage of biomedical waste at the generating facility must not exceed thirty (30) days. The 30-day period commences when the first non-sharps item of biomedical waste is placed into a red bag or sharps container, or when a sharps container containing only sharps is sealed.
 - b. Indoor storage areas must have restricted access and be designated in the written operating plan. They must be located away from pedestrian traffic, be vermin- and insect-free, and be maintained in a sanitary condition. They must be constructed of smooth, easily cleanable materials that are impervious to liquids.
 - c. Outdoor storage areas, including containers and trailers, must (in addition to the above criteria) be conspicuously marked with the international biological hazard symbol and be secured against vandalism and unauthorized entry. The international biological hazard symbol on an outdoor storage area must be a minimum of 6 inches in diameter.
2. Containment.
 - a. Packages of biomedical waste must remain sealed until picked up by biomedical waste transport treatment, except when compacted in accordance with the

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- requirements of this code. Ruptured or leaking packages of biomedical waste must be placed into larger packaging without disturbing the original seal.
- b. All packages containing biomedical waste must be visibly identifiable with the international biological hazard symbol and one of the following phrases: “biomedical waste,” “biohazardous waste,” “biohazard,” “infectious waste,” or “infectious substance.” The symbol must be red, orange, or black and the background color must contrast with that of the symbol or comply with the requirements cited in subpart Z of 29 C.F.R. subparagraph 1910.1030(g)(1)(C), Occupational Exposure to Bloodborne Pathogen Standard.
3. Bags.

Biomedical waste (except sharps) must be packaged and sealed at the point of origin in impermeable, red plastic bags. The international biological hazard symbol must be at least 6 inches in diameter on bags 19 x 14 inches or larger, and at least 1 inch in diameter on bags smaller than 19 x 14 inches. Each plastic bag must meet the following physical properties:

 - a. Impact resistance of 165 grams (g) and tearing resistance of 480 g in both the parallel and perpendicular planes with respect to the length of the bag. Impact resistance must be determined using ASTM D-1709-91, and tearing resistance must be determined using ASTM D-1922-89.
 - b. Incidental sum concentrations of lead, mercury, cadmium, and hexavalent chromium must be no greater than 100 ppm for dyes used in the coloration of bags.
 - c. A letter from the manufacturer of the red bags used in the establishment must be kept on file on the premises.
 4. Sharps containers.
 - a. Sharps must be discarded at the point of origin into single-use or reusable sharps containers. Sharps must not be placed directly into double-walled corrugated containers. Sharps containers must be sealed when full. A sharps container is considered full when materials placed into it reach the designated fill line or, if a fill line is not indicated, when additional materials cannot be placed into the container without cramming.
 - b. Permanently mounted sharps container holders must bear the phrase and the international biological hazard symbol if this information on the sharps container is concealed by the sharps container holder/mount.
 - c. The international biological hazard symbol must be at least 1 inch in diameter on sharps containers.
 - d. All outer containers must be rigid, leak resistant and puncture resistant. Reusable outer containers must be constructed of smooth, easily cleanable materials and must be decontaminated after each use.
 - e. The international biological hazard symbol must be at least 6 inches in diameter on outer containers 19 x 14 inches or larger, and at least 1 inch in diameter on outer containers less than 19 x 14 inches.

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Labeling

1. Biomedical waste bags and sharps containers must be labeled with the name and address of the body art facility and address.
 - a. If a bag or sharps container is placed into a larger bag prior to transport, the label for the exterior bag must comply with the same labeling requirements listed above.
 - b. Prior to transport, outer containers must be labeled with the transporter's name, address, registration number, and 24-hour telephone number.
2. The transporter must provide labels for bags or sharps containers that are generator-specific, such as bar codes or specific container number.

Section 615.050 Preparation and Care of the Procedure Site.

A. *Glove Usage.*

Prior to, during, and after a body art procedure, the body artist must wear gloves and use aseptic technique to ensure that the instruments and gloves are not contaminated. This includes but is not limited to:

1. When setting up the procedure area. This set up includes touching containers, ink bottles, barrier films, and exteriors of sterile packaging.
 2. When prepping skin, applying stencils, or drawing designs on the skin.
 3. Once the procedure is completed, cleaning, applying aftercare, or bandaging to the procedure site.
 4. When tearing down and disinfecting the procedure area.
- B.** Before a body art procedure is performed, the procedure site must be prepped with an antiseptic in accordance with the manufacturer's instructions.
- C.** If shaving is necessary, it must be done before skin prep, and a single-use disposable razor must be used. After use, razors must be placed immediately into a sharps container.
- D.** In the event of bleeding, all products used to stop the flow of blood or to absorb blood must be a sterile, single-use item that is disposed of immediately after use in appropriate covered containers.
- E.** Any single-use items that contact the client must meet the requirements outlined in Section 615.035(E).
- F.** Any products portioned out for the individual must be discarded upon completion of the body art procedure.

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Section 615.055 **Complaints and Investigations.**

A. Access.

Upon receipt of a complaint, a Health Officer or other authorized employee of the City, upon proper identification, shall be permitted to enter any tattoo, body piercing and/or branding establishment at any reasonable time to determine if the establishment and its practitioners are in compliance with this Chapter. The Health Officer shall be permitted to examine the records of the establishment, to obtain information about supplies purchased, received or used, sterilization records and information regarding patrons who received tattoos, body piercings or branding. Any records requested by the Health Officer may be copied at the establishment operator's expense.

B. Operator Required to Notify:

1. **Public.** Conspicuously display for the public in the establishment a copy of Section 615.060 of this Code along with the following language: "Complaints should be filed with the Health Department, Attention: Health Supervisor, One St. Peters Centre Boulevard, St. Peters, Missouri 63376." The copy of Section 615.060 shall be posted in close proximity to the license issued by the City for the establishment and shall be printed on a sheet of paper that shall measure approximately eight and one-half (8½) inches in height by eleven (11) inches in width.
2. **Health Department.**
 - a. If the operator becomes aware of an imminent health danger to the public, such as, but not limited to a recalled ink or ill employee, the operator must notify the Health Department at their earliest convenience, but in no more than 48 hours.
 - b. Any injury or complaint of injury, infections that required treatment by a licensed medical practitioner, or any notifiable diseases resulting from the body art procedure that become known to the body artist must be reported by the body artist to the Department using the complaint of injury form within three (3) business days of the body artist becoming aware of the complaint or condition.
 - c. Body artists must report all adverse events relating to or suspected of being related to materials used during a body art procedure to the Department and MedWatch, including the name of the artist, client information, description of adverse event(s), and a complete description of materials involved with lot and/or batch codes. This reporting will help identify outbreaks and identify products with manufacturing defects. A record of this reporting must be maintained with the complaint of injury form in client records.

Section 615.060 **Public Complaint Handling and Disposition.**

- A. The City may receive and process any complaint made against any licensed practitioner and/or establishment in which the complaint alleges certain acts or practices may constitute one (1) or more violations of the provisions in this Chapter, or the regulations promulgated thereunder.

No.

- B. Complaints may be submitted to a Health Officer or the Health Supervisor.
- C. The City may elect to forward any complaint to the Missouri Division of Professional Registration for investigation and enforcement under the provisions of 20 CSR 2268-6.010 to 6.020, as amended.
- D. The City interprets this rule to exist for the benefit of those members of the public who submit complaints. This rule is not deemed to protect, or inure to the benefit of those licensees, or other persons against whom the City has instituted or may institute administrative or judicial proceedings concerning possible violations of this Chapter.

Section 615.065 **Enforcement.**

A. Inspection.

1. Department personnel must inspect each body art facility to ensure compliance with this Code prior to issuing a license to a body art facility. Department personnel must be granted access to the premises of a body art facility during normal hours of operation, including access to customer and personnel records.
2. Health Officers of the Department must properly identify themselves upon entering a body art establishment to make an inspection. Such an inspection must be conducted no less than once a year and as often as necessary throughout the year to ensure compliance with this Code and to ensure the health and safety of the general public.
3. It is a violation of this Code for the operator in a body art facility to knowingly do any of the following:
 - a. conceal, withhold, or falsify records or evidence;
 - b. interfere with the performance of the duties of the Department;
 - c. make a false statement, representation, certification, record, report, or otherwise falsify information required to be submitted or maintained pursuant to this Code.
4. A digital or written copy of the inspection report must be furnished to the license holder or operator of the body art establishment. The Department retains possession of the original.
5. If, after investigation, the Department should find that an operator is in violation of this Code, the Department must advise the operator, in writing, of its findings and instruct the operator to take specific steps to correct such violations. Violations that pose an imminent public health threat, or are deemed critical violations, must to be corrected before operation may resume. These critical violations shall result in a full re-inspection of the facility and a re-inspection fee shall be assessed as described in this section.
6. If at any time the Department has reasonable cause to suspect that public health might be at risk, it can place limitations on the license of a body art facility or artist. The Department must notify the facility license holder and the body artist license holder. Limitations can include the imposition of restrictions or conditions, or both, on the operations of that body art facility. A body art facility must comply with all license limitations until the Department has conducted an inspection, has determined that the

No.

license limitations are no longer necessary, and has issued an order allowing the body art facility to resume operations without the license limitations.

7. Violations that are considered noncritical, will be re-inspected for compliance within ten (10) days.

B. *Suspension.*

1. Under the provisions of this Code, license holders may be temporarily required to suspend operations for failure of the holder to comply with the requirements of this Code by having more than one critical violation, or a combination of a critical violation and multiple noncritical, chronic violations.
2. Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this Code, the operator must be notified in writing that operations are to be immediately suspended. The notice must also contain a statement informing the license holder or operator that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Department within ten (10) days following the cessation of operations. If a request for hearing is received, a hearing shall be held within thirty (30) days of receipt of the request.
3. Any licensee may request to resume operations by meeting the following requirements:
 - a. Providing proof that the conditions have been corrected, including but not limited to photos, receipts, and written documentation;
 - b. Requesting re-inspection, after which the Department must re-inspect the body art establishment and evaluate the documentation provided by an operator. If the applicant is in compliance with the provisions of this Code, the license will be reinstated. Re-inspection fees will be assessed as described in this Section.

C. *Citations.*

1. The Department has the authority to levy citations and/or fines against a body art establishment and/or body artist for repeat, noncritical, or critical violations.
2. If a body art establishment license and/or body artist license is suspended or revoked and has existing citations, any fines for the citations must be paid prior to reinstating the body art establishment license and/or body artist license.

D. *Re-inspection Fees.*

Re-inspection fees shall be assessed as follows:

1. Critical Violation re-inspection: sixty dollars (\$60.00).
2. Each additional Critical Violation re-inspection in the same calendar year: one hundred ten dollars (\$110.00).

SECTION NO. 3. Savings Clause.

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless

No.

expressly set forth herein.

SECTION NO. 4. Severability Clause.

If any term, condition, or provision of this Ordinance or of Chapters 1 through 8 of the 2017 Food Code, or if the Amendments to the 2017 Food Code, shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

SECTION NO. 5. This Ordinance shall be in force and take effect from and after the date of its final passage and approval.

Read two (2) times, passed, and approved this 24th day of September, 2020.

Len Pagano, as Presiding Officer and as Mayor

Attest: _____
Patricia E. Smith, City Clerk

No.

RBA FORM (OFFICE USE)

MEETING DATE: September 10, 2020

Regular () Work Session (X)

ATTACHMENT: YES (X) NO ()

Contract () Ordinance () Other (X)

**Request for Board Action
By Staff**

Ward 1 () 2 () 3 () 4 () All Wards (N/A)

Brief Description: Secretary of State/Records Retention Schedules

Staff: Recommended (X) Not recommended () No Position ()

Summary/Explanation:

The destruction of records schedule is set by the Secretary of State, which states the following: the disposition of records should be recorded in a document such as the minutes of the Board of Aldermen or other legally constituted authority that has permanent record status. The record should include the description and quantity of each record series disposed of, manner of destruction, inclusive dates covered and the date on which the destruction was completed.

Please view the attached destruction of records forms to be entered and made a part of the minutes.

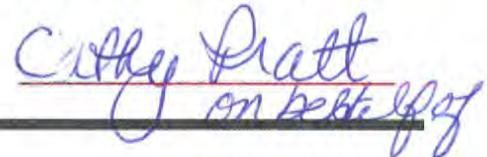
Budget Impact: (revenue generated, estimated cost, CIP item, budgeted, non-budgeted etc.)

None

RBA requested by: Patty Smith

C.A. Russell W. Batzel







City of St. Peters – Records Management
RECORDS DESTRUCTION FORM

Page 1 of 1

Department Name: TDS - Health Department		Total # of Boxes: 1
Department Records Coordinator: Jo Ann Morris		
Date: 08/04/20	Office Address: 131 Ecology Dr	Telephone: ext. 1340

Caution: A record may not be destroyed if any litigation, claim, negotiation, audit, open records request, administrative review, or other action involving the record is initiated before the expiration of the retention period. The record must be retained until completion of the action and the resolution of all issues that arise from it, or until the expiration of the retention period, whichever is later. The schedule establishes only a minimum period of retention. Before retaining a record longer than the minimum time required, however, the office should be certain that it has good reason to do so.

Department Records Coordinator:	Date: 8-4-20	Date of Records Destruction: 9/2/20
Group Manager:	Date: 8/21/20	Destruction Method: Shredding <input checked="" type="checkbox"/> Discard <input type="checkbox"/> Outside Vendor <input type="checkbox"/>
Date of BOA Minutes:		

Request for Department Destruction

- I certify that these OFFICIAL RECORD COPIES are past the retention period specified by the Missouri Secretary of State Records Retention Schedule and that all audit and administrative requirements have been satisfied.
- I certify that no HOLD has been placed on these OFFICIAL RECORDS due to any litigation, claim, negotiation, audit, or open records requests and that all administrative requirements have been satisfied.

Required Approval Signature	
City Clerk:	Date: 8/31/20

Note: Please read the instructions on page 3 concerning Departmental Records Destruction.

User Box #	Retention Schedule Records Item #	Description of Records	Inclusive Year(s)	Retention Period	Medium
TDS - Health1	0801	Food Handler Inspection Records	2014	5 yrs after approved inspection	P