

DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 23

Hair and Body Art Schools and Shops

Effective November 7, 2017

Bill Walker
Governor

Larry Hartig
Commissioner

IMPORTANT NOTE TO READER

THE REGULATIONS REPRODUCED HERE HAVE BEEN PROVIDED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS A PUBLIC COURTESY. WHILE EVERY EFFORT HAS BEEN MADE TO ASSURE THE ACCURACY OF THE REPRODUCED VERSION, THE DEPARTMENT OF ENVIRONMENTLA CONSERVATION CANNOT GUARANTEE ITS ABSOLUTE ACCURACY. PAPER COPIES OF THE REGULATIONS AS ORIGINALLY FILED BY THE LIEUTENANT GOVERNOR ARE AVAILABLE FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

THE REGULATIONS HAVE AN EFFECTIVE DATE OF NOVEMBER 7, 2017 ARE IN REGISTER 224, AND WILL APPEAR IN THE OFFICIAL PUBLISHED FORM IN THE JANUARY 2018 SUPPLEMENT TO THE ALASKA ADMINISTRATIVE CODE.

Chapter 23. Hair and Body Art Schools and Shops.

Article

1. General Sanitation Requirements (18 AAC 23.010 - 18 AAC 23.050)
2. Barbering, Hairdressing, Manicuring, or Esthetics Schools and Shops (18 AAC 23.200 - 18 AAC 23.240)
3. Body Piercing, Tattooing, or Permanent Cosmetic Coloring Shops (18 AAC 23.300 - 18 AAC 23.360)
4. Enforcement Procedures and General Provisions (18 AAC 23.900 - 18 AAC 23.990)

Editor's note: The subject matter of 18 AAC 23 was previously addressed in 18 AAC 30.700 - 18 AAC 30.760. The history notes for provisions of 18 AAC 23 do not reflect the history of the earlier provisions.

Article 1. General Sanitation Requirements.

Section

- 10. Purpose and applicability
- 20. Plan review
- 30. Water supply, wastewater, and waste disposal
- 40. Premises and operations
- 50. Sterilization procedures

18 AAC 23.010. Purpose and applicability. (a) The purpose of this chapter is to safeguard public health by establishing sanitation requirements for

(1) barbering, hairdressing, manicuring, esthetics, body piercing, tattooing, and permanent cosmetic coloring schools and shops licensed by the board under 12 AAC 09; and

(2) facilities that perform only ear piercing with an ear piercing instrument.

(b) Except as provided in (c) of this section, the requirements of this chapter apply to an owner or operator of a school or shop described in (a) of this section.

(c) The requirements of this chapter, except for 18 AAC 23.360, do not apply to a facility that performs only ear piercing with an ear piercing instrument. (Eff. 12/1/2002, Register 164)

Authority:	AS 08.13.030	AS 08.13.210	AS 44.46.020
	AS 08.13.120	AS 08.13.220	

18 AAC 23.020. Plan review. (a) The owner or operator of a school or shop subject to 18 AAC 23.010(b) shall submit plans to the department for review and approval as follows:

(1) for a newly constructed or extensively remodeled school or shop, at least 30 days before any construction or extensive remodeling is to begin;

(2) for a body piercing, tattooing, or permanent cosmetic coloring shop that is in operation on December 1, 2002, within 90 days after December 1, 2002;

(3) for a barbering, hairdressing, manicuring, or esthetics school or shop that adds tattooing, body piercing, or permanent cosmetic procedures to that existing school or shop, at least 30 days before adding the procedure.

(b) Plans required in (a) of this section must demonstrate compliance with this chapter and must include a

(1) drawing that is to scale showing the

(A) layout and purpose of each room or area;

(B) location of fixed equipment; and

(C) location of each plumbing fixture including each sink or toilet;

(2) plumbing schematic showing each hot water, cold water, and wastewater line;

(3) description of each type and location of lighting and ventilation; and

(4) a listing of each material used to finish the floors, walls, and ceilings in the procedure areas.

(c) The department will approve plans submitted under this section if the department determines that the plans demonstrate compliance with this chapter.

(d) If a body piercing, tattooing, or permanent cosmetic coloring shop referred to in (a)(2) of this section requires renovations in order to be in compliance with this chapter, if those renovations cannot be accomplished within 90 days after December 1, 2002, and if the department determines that a conditional approval is protective of public health, the department will enter into an agreement with the owner or operator of that shop to establish a timeline for the required renovations and issue conditional approval for the shop until the shop is in compliance with this chapter.

(e) Upon approval of the plans submitted under this section, the department will notify the board of the approval. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.030. Water supply, wastewater, and waste disposal. The owner or operator of a school or shop subject to 18 AAC 23.010(b) shall ensure that

(1) the water supply system complies with 18 AAC 80; if running water is not available, the water storage and dispensing system must be approved by the department as consistent with good public health practices;

(2) the wastewater system complies with 18 AAC 72;

(3) plumbing is sized, installed, and maintained as required by the state plumbing code, as developed under AS 18.60.705, and by applicable municipal plumbing codes and is consistent with good public health practices;

(4) waste is conveyed, stored, and disposed of in a manner that minimizes the development of odor, prevents waste from attracting and harboring pests, and complies with 18 AAC 60; and

(5) an incinerator used on the premises by the school or shop complies with 18 AAC 50. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.040. Premises and operations. The owner or operator of a school or shop subject to 18 AAC 23.010(b) shall ensure that

(1) the premises of and the grounds surrounding the school or shop are kept clean and in good repair, and are free of insects, rodents, and other pests and conditions that are likely to attract or harbor insects, rodents, and other pests; the department may require an owner or operator to hire a commercial pest control applicator certified under 18 AAC 90 to handle an insect, rodent, or other pest problem if the operator does not demonstrate to the department's satisfaction that the operator has adequately controlled the problem with pesticides and traps, or if an imminent health hazard exists; if the department requires a certified commercial pest control applicator under this section, the operator shall provide documentation to the department detailing the actions taken by the applicator;

(2) the school or shop is adequate in size, design, and construction to accommodate the procedures performed in the school or shop and to prevent cross-contamination of cleaned and sanitized surfaces and equipment with soiled surfaces and equipment;

(3) each floor and wall in a procedure area is covered with smooth, durable, nonabsorbent, and easily cleanable material and is kept clean; a carpet may not be used in a procedure area except in a manicuring procedure area; in an area where a carpet is used, it must be vacuumed at a frequency to keep the carpet clean;

(4) each ceiling in the procedure area is light-colored; if acoustical tiles are used, the tiles must be replaced if soiled;

(5) ventilation by natural or mechanical means is provided to keep air fresh and to prevent the accumulation of excessive heat, steam, condensation, vapors, smoke, and fumes; if a mechanical ventilation system is used, the discharge from that ventilation system must comply with 18 AAC 50;

(6) an area separate from the procedure area is provided for janitorial equipment and cleaning supplies;

(7) unless the department has approved an alternate water storage and dispensing system under 18 AAC 23.030(1), hot and cold running water under pressure that can be tempered to a temperature between 100 – 120° F by a mixing valve or combination faucet is provided in a school or shop;

(8) at least one toilet and handsink that is located in a toilet room for client use is installed, maintained, and kept clean; in addition,

(A) each toilet must be connected to a community sewer system if the system is within 200 feet of the structure; if a community sewer system is not available within 200 feet, the method of waste disposal must comply with 18 AAC 72;

(B) toilet paper must be provided in a dispenser in each toilet room;

(C) a toilet room must have self-closing doors; and

(D) each handsink must be equipped with

(i) liquid soap; and

(ii) disposable towels or a hand-drying device providing heated air;

(9) each handsink and utility sink is separate and used only for that sink's designated purpose;

(10) storage areas for equipment, instruments, and products are kept clean;

(11) each counter and work surface has a smooth, nonabsorbent, and easily cleanable surface that is kept clean;

(12) at least one covered waste receptacle is provided in each procedure area and one waste receptacle is provided in each toilet room; each waste receptacle must be easily cleanable and kept clean;

(13) an artificial light source equivalent to at least 20 footcandles, evenly distributed, is provided in all areas of the school or shop, except as required in 18 AAC 23.210(a)(3) and 18 AAC 23.320(a)(1);

(14) all equipment, supplies, and products used in the school or shop are used, operated, cleaned, and maintained in accordance with the manufacturer's instructions;

(15) except for fish in aquariums or bowls, a patrol dog accompanying a police officer, or a service animal accompanying an individual with a disability, an animal is not allowed in the school or shop; a patrol dog and service animal must be

(A) under the control of the police officer or the individual with a disability;

(B) kept off any seat; and

(C) prevented from contaminating a procedure area;

(16) a copy of this chapter is available for review by practitioners and employees; and

(17) any manufacturer’s recommendations or instructions for all equipment, supplies, and products used in the school or shop are retained on the school or shop premises and are available for department review. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.050. Sterilization procedures. (a) The owner or operator of a school or shop subject to 18 AAC 23.010(b) shall ensure that each non-single-use, non-disposable instrument that is required in this chapter to be cleaned and sterilized is

(1) cleaned either

(A) by hand by

(i) rinsing the instrument in a cold water rinse to remove visible soil;

(ii) soaking the instrument in an enzyme pre-soak before cleaning;

(iii) using warm water and an appropriate detergent;

(iv) rinsing the item thoroughly; and

(v) inspecting the instrument carefully for cleanliness and damage;

or

(B) mechanically by

(i) rinsing the instrument in a cold water rinse to remove visible soil;

(ii) soaking the instrument in an enzyme pre-soak before cleaning;
and

(iii) placing the instrument directly into an ultrasonic cleaner for a 10-minute cycle or as recommended by the manufacturer;

(2) dried after cleaning and placed in a sterilization pouch that has either a sterilizer indicator or internal temperature indicator; and

(3) sterilized in a sterilizer; if a package seal on a sterilization pouch containing an instrument has been broken, that instrument may not be used until it is sterilized again.

(b) If a school or shop uses only single-use, disposable, sterile instruments and products, sterilization in a sterilizer is not required.

(c) The owner or operator shall demonstrate that a sterilizer used in the school or shop is capable of attaining sterilization through a spore destruction test performed every 30 days. These spore destruction tests must

(1) be conducted using a commercially prepared biological sterilization process indicator to culture specifically for *Bacillus stearothermophilus* for steam sterilizers or *Bacillus subtilis* for dry heat sterilizers; and

(2) be verified

(A) through a laboratory independent of the school or shop; or

(B) within the school or shop in accordance with the biological sterilization process indicator's manufacturer's instructions.

(d) If a laboratory independent of the school or shop is used to conduct a spore destruction test, the owner or operator must obtain results of that test within 24 hours after performing the test.

(e) If the results of a spore destruction test are positive for the presence of a spore described in (c)(1) of this section, the owner or operator shall ensure that

(1) any instrument processed in that sterilizer is not used on clients until the instrument is resterilized using the procedures in (a) of this section before use; and

(2) the sterilizer is not used until a negative test result is achieved. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

Article 2. Barbering, Hairdressing, Manicuring, or Esthetics Schools and Shops

Section

- 200. Applicability and municipal programs
- 210. Premises
- 220. Equipment, instruments, and products
- 230. Practitioner hygiene
- 240. Sanitary practices

18 AAC 23.200. Applicability and municipal programs. (a) In addition to the provisions of 18 AAC 23.010 – 18 AAC 23.050 and 18 AAC 23.900 – 18 AAC 23.990, a school or shop where barbering, hairdressing, manicuring, or esthetics is practiced must also comply with the provisions of 18 AAC 23.200 - 18 AAC 23.240.

(b) If the department finds that a municipality’s ordinances are at least as stringent as the requirements of 18 AAC 23.010 – 18 AAC 23.050, 18 AAC 23.200 – 18 AAC 23.240, and 18 AAC 23.900 – 18 AAC 23.990, the municipality may provide documentation required under 12 AAC 09.110 to the board. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020

18 AAC 23.210. Premises. (a) In addition to the requirements under 18 AAC 23.040, the owner or operator of a school or shop described in 18 AAC 23.200(a) shall provide

- (1) drawers or cabinets with doors for storage of clean linen and cleaned and sanitized equipment;
- (2) separate, covered receptacles for dirty linen and waste;
- (3) at least 50 footcandles of light measured at the task level where barbering, hairdressing, manicuring, or esthetics is performed; and
- (4) for a school or shop constructed or extensively remodeled after December 1, 2002, a utility sink for mopping and general cleaning that is separate from the area where barbering, hairdressing, manicuring, or esthetics is performed.

(b) The owner or operator of a school or shop described in 18 AAC 23.200(a) that is located in a private residence shall ensure that, for a school or shop constructed or extensively remodeled after December 1, 2002, the school or shop is completely separated from the private residence by a solid partition, walls extending from floor to ceiling, or a solid, self-closing door

from any room used for human habitation or a room where food is prepared. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020

18 AAC 23.220. Equipment, instruments, and products. (a) The owner or operator of a school or shop described in 18 AAC 23.200(a) shall ensure that

(1) each sanitizer is registered with the department as required under 18 AAC 90 and used in accordance with its label;

(2) a single-use or disposable article is not used on more than one client and is placed in a covered refuse receptacle immediately after use;

(3) a single-use or disposable article is kept in a clean and closed container before use;

(4) any capes are kept clean; if used, a neck strip must be single-use;

(5) all liquids, creams, and other products are kept in clean and closed containers;

(6) each product used or sold in a school or shop is labeled accurately to identify its contents; and

(7) if a client wishes the school or shop to keep that client's personal tools, equipment, or products on hand for future services, that client's personal effects are cleaned and sanitized after use on that client, placed in a clean and closed container that is labeled with that client's name, and are not used on another client.

(b) The use of the following is prohibited:

(1) shaving brushes, shaving mugs, alum, powder puffs, or sponges, unless the articles are single-use articles;

(2) any razor-edged device or tool that is designed to remove calluses;

(3) any needle-like instrument that is used for the purpose of extracting skin blemishes and other similar procedures;

(4) any product that has been banned or restricted by the FDA. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020

18 AAC 23.230. Practitioner hygiene. (a) An owner or operator of a school or shop described in 18 AAC 23.200(a) shall ensure that a person with an infected wound or a disease communicable by touch does not work in any capacity that might transmit that infection or disease to a client. The owner or operator shall instruct each employee to report immediately to the owner or operator an infected wound or a disease communicable by touch.

(b) A practitioner at a school or shop described in 18 AAC 23.200(a) shall wash hands thoroughly with soap and warm water immediately before serving a client and immediately after using the toilet, blowing the nose, or otherwise coming into contact with any body fluid.

(c) While serving a client, a practitioner shall wear clean outer clothing. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020

18 AAC 23.240. Sanitary practices. (a) The owner or operator of a school or shop described in 18 AAC 23.200(a) shall ensure that

(1) each non-single-use, non-disposable item of equipment and instrument is thoroughly cleaned and sanitized after use on each client, and, if applicable, stored in a manner that will prevent cross-contamination; in addition,

(A) if an electric nail drill is used to file nails, the drill bit must be cleaned and sanitized after use on each client; if a sandpaper-type drill bit covering is used, the sandpaper covering must be single-use;

(B) each clipper, vibrator, or other electrical instrument must be cleaned and sanitized after each use on a client; and

(C) a foot spa or pedicure bath must be cleaned and sanitized after use on each client;

(2) each electrolysis needle is cleaned and sterilized in accordance with 18 AAC 23.050 after use on each client;

(3) after a towel has been used on a client, it is placed in a closed receptacle and not used again until laundered either by

(A) commercial laundering; or

(B) non-commercial laundering in a mechanical washing machine using water not less than 140° F;

(4) clean towels are stored in closed cabinets;

(5) if a cosmetic pencil is used, that cosmetic pencil is sharpened with a sharpener designed for that purpose after use on each client; and

(6) if only a portion of a product is used on a client, that portion is removed from the original container in a manner that does not contaminate the original container or the contents of that container.

(b) A practitioner may not perform a procedure on a client whose skin is inflamed or infected, or whose skin shows signs of athlete's foot, eczema, or other infection or disease. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020

Article 3. Body Piercing, Tattooing, or Permanent Cosmetic Coloring Shops

Section

- 300. Applicability
- 305. Requirements adopted by reference
- 310. Certificate of sanitary standards
- 315. Records and notification requirements
- 320. Premises
- 325. Temporary shops
- 330. Waste management
- 335. Practitioner hygiene
- 340. Sanitation
- 345. Body piercing procedures
- 350. Tattooing and permanent cosmetic coloring procedures
- 360. Ear piercing procedures

18 AAC 23.300. Applicability. (a) Except as provided in (b) of this section, and in addition to the provisions of 18 AAC 23.010 – 18 AAC 23.050 and 18 AAC 23.900 – 18 AAC 23.990, a shop where body piercing, tattooing, or permanent cosmetic coloring is practiced must also comply with 18 AAC 23.300 – 18 AAC 23.360.

(b) In addition to the provisions of 18 AAC 23.900 - 18 AAC 23.990, the owner or operator of a temporary shop licensed under 12 AAC 09 where body piercing, tattooing, or permanent cosmetic coloring is practiced must comply with 18 AAC 23.310 and 18 AAC 23.325. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.305. Requirements adopted by reference. The following requirements are adopted by reference:

(1) United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), *Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures*, in volume 40 (No. RR-8) of the Morbidity and Mortality Weekly Report (MMWR), dated July 12, 1991, pages 1-9;

(2) United States Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), *Recommendations for Prevention and Control of Hepatitis C Virus (HCV) Infection and HCV-Related Chronic Disease*, in volume 47 (No. RR-19) of the

Morbidity and Mortality Weekly Report (MMWR), dated October 16, 1998, pages1-40. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

Editor's Note: Under Department of Labor and Workforce Development regulations set out in 8 AAC 61.1010, the requirements of 29 C.F.R. 1910.1030, addressing occupational exposure to bloodborne pathogens, are occupational safety and health standards in this state. Owners and operators should contact the Department of Labor and Workforce Development for assistance in complying with those requirements.

The documents adopted by reference in 18 AAC 23.305 may be reviewed at any department office, may be purchased directly from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402-9371, telephone (202) 512-1800, and are available at the Internet web site for the United States Department of Health and Human Services, Centers for Disease Control: <http://www.cdc.gov/mmwr>.

18 AAC 23.310. Certificate of sanitary standards. (a) Except as provided in (g) of this section, a shop described in 18 AAC 23.300 may not operate without a certificate of sanitary standards issued by the department.

(b) The department will issue a certificate of sanitary standards to

(1) an existing, newly constructed, or extensively remodeled shop if the department approves the plans under 18 AAC 23.020, conducts an inspection under 18 AAC 23.905, and determines that the shop is in compliance with this chapter;

(2) a temporary shop if the department receives a complete application on a form provided by the department and determines that the temporary shop will be in compliance with 18 AAC 23.225;

(3) a shop with a change of owner or operator if the department reviews the department's files on the shop, conducts an inspection under 18 AAC 23.905, and determines that the shop is in compliance with this chapter; and

(4) a school or shop subject to 18 AAC 23.010(b) that adds a body piercing, tattooing, or permanent cosmetic coloring procedure, if the department approves the plans under 18 AAC 23.020, conducts an inspection under 18 AAC 23.905, and determines that the school or shop is in compliance with this chapter.

(c) A certificate of sanitary standards issued under this section for a shop is valid for one year after the date of issue unless the

- (1) department suspends or revokes the certificate;
- (2) owner or operator changes;
- (3) shop is extensively remodeled; or

(4) shop is a temporary shop; for purposes of this paragraph, a certificate of sanitary standards is valid only for the duration of the convention or special event for which the board issued the temporary ship license under AS 08.13.120(b) and 12 AAC 09.112.

(d) The department will renew a certificate of sanitary standards for a shop other than a temporary shop if the department determines that the shop is in compliance with this chapter after conducting an inspection under 18 AAC 23.905. When determining whether a certificate of sanitary standards will be renewed, the department will consider

- (1) any inspection results;
 - (2) the results of monthly spore destruction tests required in 18 AAC 23.050(c);
- and
- (3) any other information concerning the shop’s sanitary practices.

(e) If the department is unable to complete an inspection under 18 AAC 23.905 for the certificate of sanitary standards for a shop before the prior year’s certificate expires, the department will extend the prior year’s certificate for not more than 60 days unless the department determines that, due to the availability of appropriations from the legislature and the staffing needs of other projects, a longer extension is necessary.

(f) A certificate of sanitary standards is not transferable.

(g) Except for a temporary shop, a shop operating on December 1, 2002 must apply for a certificate of sanitary standards as required under (a) of this section within 90 days after December 1, 2002. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.315. Records and notification requirements. (a) The owner or operator of a shop described in 18 AAC 23.300(a) shall retain on the shop premises and make available to the department

- (1) an inventory of instruments and body jewelry, sharps, and inks used for body piercing, tattooing, or permanent cosmetic coloring procedures, including the names of

manufacturers and lot numbers, if applicable; invoices or orders may be used to satisfy this requirement;

- (2) written sanitary procedures required in 18 AAC 23.340(g);
- (3) monthly spore destruction tests required in 18 AAC 23.050(c); and
- (4) manufacturer’s instructions for equipment used in the shop.

(b) The owner or operator of a shop described in 18 AAC 23.300(a) shall keep a case history card for each client on the shop premises and make these cards available to the department for a period of three years after the date of the client’s most recent procedure. The case history cards must include

- (1) the client’s name, address, and phone number;
- (2) the procedure date;
- (3) the type of procedure performed;
- (4) the location of the procedure on the body;
- (5) the name of the practitioner who performed the procedure; and
- (6) information regarding an infection or allergic reaction reported to the owner or operator or an employee of the shop after a procedure, including
 - (A) the site of the infection;
 - (B) the nature of the allergic reaction;
 - (C) the date the infection or allergic reaction was reported to the owner, operator, or employee of the shop; and
 - (D) any recommendation made to the client by the owner, operator, or employee of the shop.

(c) The owner or operator of a shop described in 18 AAC 23.300(a) shall report to the department any infection, allergic reaction, or injury resulting from a procedure that requires a medical referral. The owner or operator shall report the infection, allergic reaction, or injury within 24 hours after the owner or operator or an employee becomes aware that the infection, allergic reaction, or injury requires a medical referral. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.320. Premises. (a) In addition to the requirements under 18 AAC 23.040, the owner or operator of a shop described in 18 AAC 23.300(a) shall

(1) provide an artificial light source equivalent to at least 100 footcandles measured at the task level where a procedure is performed and where instruments and sharps are assembled;

(2) completely separate the shop by a solid partition, walls extending from floor to ceiling, or a solid, self-closing door from

(A) any room used for human habitation or a room where food is prepared;

(B) a school or shop where barbering, hairdressing, manicuring, or esthetics is practiced; or

(C) retail sales or similar activity that may cause potential contamination of procedure surfaces, except that retail sales that are related to the shop may be separated from the procedure area by space sufficient to prevent contamination of procedure surfaces;

(3) provide an area that may be screened from the public view for clients requesting privacy; at a minimum, each body piercing, tattooing, or permanent cosmetic coloring station must be separated from another station by a divider or partition at least six feet high; if a cloth drape is used as a divider or partition, that drape must be kept clean; if a solid divider or partition is used, it must be smooth, easily cleanable, and kept clean;

(4) provide a worktable appropriate for each procedure area that is adequate for each type of procedure performed, smooth and easily cleanable, and kept clean;

(5) provide an area separate from the procedure area for the sterilization of instruments;

(6) provide a separate, readily accessible handsink for the exclusive use of the practitioners for handwashing and for preparing each client for the body piercing, tattooing, or permanent cosmetic coloring procedure; for a shop constructed or extensively remodeled after December 1, 2002, the handsink must be equipped with wrist-, knee-, or foot-operated controls;

(7) equip the shop with sterilizing equipment appropriate to support shop activities in accordance with 18 AAC 23.050;

(8) provide closed storage cabinets for the exclusive storage of instruments, colorants, pigments, carbon, and stencils used in the shop for each procedure area;

(9) post “no smoking” signs in the procedure area that comply with AS 18.35.330(c);

(10) post a sign in a conspicuous location at the main entrance of the shop that states, “A complaint about the sanitation of this shop or the sanitation practices of a practitioner in this shop may be filed with the Department of Environmental Conservation, Division of Environmental Health, 555 Cordova St., Anchorage, AK 99501 or by phone at (907) 269-7501.”;

(11) keep a copy of this chapter on the premises of the school or shop and make this chapter available to each employee, each practitioner, and the public upon request; and

(12) provide an instrument cleaning sink for cleaning instruments and a utility sink for mopping and general cleaning that are separate from the procedure area and from each other and used only for their intended purpose.

(b) Only practitioners and clients may be in the procedure area unless requested or authorized by both the practitioner and the client. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

Editor’s Note: The department will furnish the signs required under 18 AAC 23.320(a)(9) and 18 AAC 23.320(a)(10) to an owner or operator who requests them.

18 AAC 23.325. Temporary shops. If the board issues a temporary shop license under AS 08.13.120(b) and 12 AAC 09.112 for a convention or other special event, the owner or operator shall

(1) contain the temporary shop in a completely enclosed, non-mobile facility, such as inside a permanent building;

(2) provide

(A) a procedure area that can be properly cleaned and sanitized; and

(B) equipment to sterilize instruments as required under this chapter and evidence that a spore destruction test in accordance with 18 AAC 23.050 was performed on the sterilization equipment at least 30 days before the date the convention or other special event begins; if equipment to sterilize equipment and instruments as required under this chapter is not available, the practitioner shall use only single-use, prepackaged, sterilized equipment and instruments; and

(3) comply with

- (A) the requirements of 18 AAC 23.030;
- (B) the toilet and handwashing facilities requirements in 18 AAC 23.040(8) and (9);
- (C) the work surface requirements in 18 AAC 23.040(11);
- (D) waste receptacle requirements in 18 AAC 23.040(12);
- (E) equipment, supply, and product use requirements in 18 AAC 23.040(14);
- (F) animal control requirements in 18 AAC 23.040(15);
- (G) lighting requirements in 18 AAC 23.320(a)(1);
- (H) procedure area access provisions in 18 AAC 23.320(b);
- (I) waste management requirements in 18 AAC 23.330;
- (J) practitioner hygiene requirements in 18 AAC 23.335;
- (K) sanitation requirements in 18 AAC 23.340(a)-(f);
- (L) body piercing procedure requirements in 18 AAC 23.345; and
- (M) tattooing and permanent cosmetic coloring procedure requirements in 18 AAC 23.350. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.330. Waste management. The owner or operator of a shop described in 18 AAC 23.300(a) shall ensure that

- (1) medical waste is not commingled with non-medical waste;
- (2) medical waste is disposed of in accordance with the requirements of the landfill where the medical waste will be taken;
- (3) waste that is stored inside the shop is stored in a durable, easily cleanable container that does not leak or absorb liquid and that is kept clean and emptied into an outside container at least once per week; in addition, the owner shall ensure that

- (A) the waste

- (i) is not accessible to the public or clients; and
 - (ii) does not create an odor or attract pests; and
- (B) if the waste is stored in a room, the room is
- (i) easily cleanable and kept clean;
 - (ii) not used for another purpose; and
 - (iii) large enough to store all waste containers;

(4) plastic bags or wet-strength paper bags are of sufficient strength to contain waste safely from the point of origin to the point of disposal and are completely closed or sealed before disposal; a plastic bag or wet-strength paper bag may be used to line a container; and

(5) each outside storage container, including any dumpster, compactor, or compactor system, is easily cleanable, has tight-fitting lids, doors, or covers, and is kept covered and reasonably clean. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
 AS 08.13.120

Editor's Note: Under Department of Labor and Workforce Development regulations set out in 8 AAC 61.1010, the requirements of 29 C.F.R. 1910.1030, addressing occupational exposure to bloodborne pathogens, are occupational safety and health standards in this state. Owners and operators should contact the Department of Labor and Workforce Development for assistance in complying with those requirements.

18 AAC 23.335. Practitioner hygiene. (a) A practitioner shall maintain a high degree of personal cleanliness and conform to good hygienic practices, including

- (1) wearing clean outer clothing when performing a procedure; and
- (2) keeping fingernails clean and trimmed.

(b) Before applying antiseptics and again before performing a procedure, a practitioner shall thoroughly cleanse that practitioner's hands as often as necessary to remove contaminants and in compliance with all of the following steps:

- (1) first, thoroughly scrub hands and fingernails with soap;
- (2) second, rinse hands under hot running water for a minimum of 20 seconds;
- (3) third, dry hands with disposable paper towels.

(c) While performing a procedure, a practitioner shall wear disposable gloves. Gloves may not be reused. The use of gloves does not preclude or substitute for the hand washing procedures as described in this section.

(d) A practitioner shall immediately take off that practitioner’s gloves, discard the contaminated gloves, and wash that practitioner’s hands before a fresh pair of gloves are used

(1) if the original gloves are contaminated by contact with any unclean surface or object or when the gloves contact an individual other than the practitioner or client;

(2) if the glove is pierced or torn; or

(3) between clients.

(e) The owner or operator of a shop described in 18 AAC 23.300 shall establish written policies and procedures available for department review for the management of employees, practitioners, or clients who have latex allergies.

(f) A practitioner or shop employee with a boil, an infected wound, an open sore, or a weeping dermatological lesion may not work in any area of a shop in any capacity in which a likelihood exists that that person could contaminate equipment, supplies, or working surfaces.

(g) A practitioner or shop employee shall observe and follow the standards for public service workers regarding personal protective equipment and disposal of medical waste, tools and equipment as set out in *Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures*, Morbidity and Mortality Weekly Report (MMWR), adopted by reference in 18 AAC 23.305. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.150 AS 44.46.020
AS 08.13.120 AS 08.13.210

Editor’s Note: Under Department of Labor and Workforce Development regulations set out in 8 AAC 61.1010, the requirements of 29 C.F.R. 1910.1030, addressing occupational exposure to bloodborne pathogens, are occupational safety and health standards in this state. Owners and operators should contact the Department of Labor and Workforce Development for assistance in complying with those requirements.

18 AAC 23.340. Sanitation. (a) An individual may not smoke, eat, or drink in a procedure area.

(b) The owner or operator of a shop described in 18 AAC 23.300 shall ensure that

(1) if blood spills, splatters, or sprays onto a procedure surface, that surface is immediately cleaned and sanitized;

(2) an aluminum foil or plastic cover is used to protect items and surfaces that may become contaminated by blood or saliva during use and that are difficult or impossible to clean and disinfect; the coverings must be removed, discarded, and replaced with a clean covering between clients;

(3) after each use, each procedure surface and client chair or bench is cleaned and sanitized;

(4) each horizontal surface, restroom, and general work surface in the shop is cleaned and sanitized at least daily; and

(5) all storage cabinets are kept clean.

(c) The owner or operator shall ensure that

(1) any products applied to the skin, including a tattooing or permanent cosmetic coloring transfer or stencil, is single-use and disposable except that a reusable acetate stencil may be used if the stencil is sanitized after use on each client;

(2) any petroleum jelly, soap, and other product used in the application of stencils is dispensed and applied to the area to be tattooed with sterile gauze, with a sterile tongue depressor, or in a manner that prevents contamination of the original container and its contents; the gauze or tongue depressor must be discarded after a single use;

(3) any single-use material that cannot be sterilized is stored in covered containers; additionally, the practitioner shall

(A) remove any material from the container in a manner to prevent contamination of the original container and the contents; and

(B) discard a single-use item after use on each client; and

(4) if a marker is used to mark the client's skin, the marker is used on cleansed skin or a surgical marking pen that is sanitized by design, such as an alcohol-based ink pen is used.

(d) A practitioner shall open each package containing a sterile instrument in the presence of the client and handle each instrument in a manner to prevent contamination of that instrument.

(e) A practitioner shall discard any item or instrument that is contaminated by contact with an unclean surface or object or contacts an individual other than the practitioner or client

and replace that item or instrument immediately with a sterile item or instrument before the practitioner resumes the procedure.

(f) If the package seal on a single-use, disposable, sterile instrument has been broken, that instrument may not be used.

(g) The owner or operator of a shop described in 18 AAC 23.300(a) shall establish written sanitary procedures available for department review that include

(1) instrument cleaning and sterilization;

(2) cleaning and sanitizing of each procedure area; and

(3) a medical waste management plan in accordance with 18 AAC 23.330 that includes segregation, identification, packaging, storage, transport, treatment, disposal, and contingency planning for blood spills or loss of containment of medical waste. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

Editor's Note: Under Department of Labor and Workforce Development regulations set out in 8 AAC 61.1010, the requirements of 29 C.F.R. 1910.1030, addressing occupational exposure to bloodborne pathogens, are occupational safety and health standards in this state. Owners and operators should contact the Department of Labor and Workforce Development for assistance in complying with those requirements.

18 AAC 23.345. Body piercing procedures. (a) If liquid gentian violet is used to mark skin to be pierced, it must be used in a manner that does not contaminate the contents of the original container.

(b) In addition to complying with the applicable requirements of this chapter, a practitioner shall use the following minimum standards for the use of antiseptics for a body piercing procedure:

(1) when performing a body piercing, a practitioner shall clean the external area of the skin to be pierced with antiseptic; the skin must be dry to the touch before the procedure is performed;

(2) in addition, before starting an oral piercing, a practitioner shall instruct the client to use an antiseptic mouthwash vigorously for at least one minute.

(c) The owner or operator of a shop described in 18 AAC 23.300 shall ensure that jewelry to be used in the piercing is

(1) made of surgical implant grade stainless steel, solid 14-karat or 18-karat white or yellow gold, niobium, titanium, platinum, or a dense, low-porosity plastic;

(2) free of nicks, scratches, or irregular surfaces; and

(3) properly sterilized in accordance with 18 AAC 23.050 before use. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.350. Tattooing and permanent cosmetic coloring procedures. (a) A practitioner shall thoroughly wash the area of the client to be tattooed with a disinfecting soap and water.

(b) A practitioner shall use a single-use, disposable razor for shaving the client, when necessary. In addition, a practitioner shall dispose of the razor in accordance with 18 AAC 23.330

(1) as non-medical waste if the client’s skin has not broken during shaving; or

(2) as medical waste if the client’s skin has broken.

(c) Upon completion of shaving the client’s skin, a practitioner shall wash the skin and surrounding area with soap and water. The pad used for washing the skin and surrounding area must be discarded after a single use.

(d) The owner or operator of a shop described in 18 AAC 23.300 shall ensure that

(1) a sterile needle is provided for each client; solder used to attach needles to the needle bars must be lead-free;

(2) a styptic pencil or alum solid is not used;

(3) based on the average client need per day, needles that have been sterilized in accordance with 18 AAC 23.050, tubes, and tips are readily available for each practitioner for the entire day;

(4) any colorant or pigment used in tattooing

(A) is non-toxic, non-irritating to human tissue, stable to light, and inert to tissue human metabolism;

(B) does not contain talc, coal tar, or any known carcinogens; and

(C) is not banned or restricted by the FDA;

(5) a single-use, individual container for colorants or pigments is used for each client;

(6) any excess colorant or pigment applied to the skin is removed with single-use, lint-free paper products; and

(7) when performing a permanent cosmetic coloring eyeliner or eyelash enhancement procedure, a practitioner

(A) thoroughly removes makeup from the skin with a cotton swab, soap and water, eye makeup remover, or petroleum jelly;

(B) has a commercially-available solution that is intended to be used as an eyewash readily available in the procedure area during a procedure;

(C) if cosmetics are applied following a tattooing or permanent cosmetic coloring procedure, uses a single-use, disposable applicator following a permanent cosmetic coloring procedure to avoid possible contamination; and

(D) when using an eyebrow pencil for an eyebrow enhancement procedure, sharpens the pencil between clients. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

Editor’s Note: The Department of Labor and Workforce Development administers worker protection. Owners or operators should contact the Department of Labor and Workforce Development for assistance in complying with the requirements of that department governing worker protection.

18 AAC 23.360. Ear piercing procedures. (a) Unless an individual is licensed by the board to perform body piercing, an individual performing an ear piercing procedure must use an ear piercing instrument. The ear piercing instrument

(1) may not be used for piercing any part of the body other than the ear lobe or trailing edge of the ear; and

(2) must be made of plastic, stainless steel, or another material that can be disinfected.

(b) The owner or operator of a business that offers ear piercing services shall ensure that

(1) an individual performing an ear piercing procedure maintains a high degree of personal cleanliness, conforms to good hygienic practices, and wears clean outer clothing when performing an ear piercing procedure;

(2) before performing an ear piercing procedure, an individual performing the procedure

(A) thoroughly washes that individual's hands in hot running water using liquid soap;

(B) rinses that individual's hands using hot running water; and

(C) dries that individual's hands using clean disposable paper towels; a waterless hand cleansing agent may be used if handsinks are not readily available; if a waterless hand cleansing agent is used, it must be used in accordance with the manufacturer's instructions;

(3) an individual performing an ear piercing procedure wears disposable gloves on both hands before proceeding with any ear piercing; gloves must be disposed of after use on each client and may not be reused; and

(4) an individual performing an ear piercing procedure cleans and disinfects the entire area of the clasp retainer and all parts of the ear piercing instrument in direct contact with the client's skin using alcohol or a sanitizer recommended by the manufacturer of the ear piercing instrument.

(c) The owner or operator of a business that offers ear piercing services shall

(1) ensure that any new or disinfected ear piercing instrument and tools are stored separately from any used or soiled tools or other instruments;

(2) establish written procedures that are available to the department for review that ensure that an individual performing an ear piercing procedure is adequately trained to use, clean, sanitize, and store the ear piercing instrument properly in accordance with the manufacturer's recommendations;

(3) maintain a file that is available for department review that documents the training described in (2) of this subsection including the name of the trainer, the name of the employee, and the content of the training program for a period of three years after the date of the training;

(4) establish written policies and procedures that are available for department review for the management of employees, practitioners, or clients who have latex allergies; and

(5) retain on the premises and have available for department review any manufacturer's recommendations or instructions for all equipment, supplies, and products used to provide ear piercing services. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

Article 4. Enforcement Procedures and General Provisions.

Section

- 900. Waiver of requirements
- 905. Inspections
- 910. Certificate suspension, notice to stop operating, and school or shop closure
- 915. Informal review of noncompliance decision
- 990. Definitions

18 AAC 23.900. Waiver of requirements. (a) The department will waive a requirement of this chapter if it finds that public health is protected and the purpose of the requirement is otherwise satisfied.

(b) An application for a waiver must be submitted in writing to the director on forms provided by the department and must

- (1) specify the requirement for which the waiver is sought;
- (2) state the reason why the requirement cannot be met; and
- (3) describe the alternative method proposed to meet the purpose of the requirement.

(c) The department will grant or deny a waiver application, with or without conditions, in writing, within 30 days after it is received. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.905. Inspections. (a) The department may conduct inspections to determine compliance with this chapter.

(b) The owner or operator of a school, shop, or facility subject to this chapter shall allow an employee or agent of the department, after proper identification, to enter and have free access to the school, shop, or facility during reasonable hours to

- (1) inspect all or any portion of the school, shop, or facility, including each type of shop required to have a certificate of sanitary standards under 18 AAC 23.310;
- (2) inspect all or any portion of any procedure area or other school, shop, or facility supporting or operating in conjunction with the school, shop, or facility being inspected;
- (3) examine any record required to be kept under this chapter;

(4) investigate employees' illness or absenteeism if investigating a possible disease outbreak; and

(5) examine equipment, instruments, and products, observe procedures, obtain samples, or conduct tests to ascertain compliance with this chapter.

(c) During an inspection conducted under this section, the inspector shall record the findings on a form developed by the department, including a brief statement of the specific problem and required correction, and a time period for the correction of the violation. A separate form shall be used for each type of operation inspected.

(d) After an inspection in which a violation is noted, the owner or operator shall correct violations as follows:

(1) a critical violation must be corrected immediately; if the department agrees that immediate correction is not possible and that interim measures can be initiated to satisfy the purpose of the requirement and protection of public health, the department may designate a correction period of up to 15 days on the form;

(2) a violation other than a critical violation must be corrected within 30 days after the date on the form; if the department agrees that correction within 30 days is not possible and that interim measures can be initiated to satisfy the purpose of the requirement and the protection of public health, the department may designate a longer period of time on the form.

(e) The owner or operator of a school, shop, or facility shall notify the department in writing when the owner or operator has corrected a critical violation. The department may, subject to the availability of appropriations from the legislature and the staffing needs of other projects, conduct a reinspection to confirm correction.

(f) The department will review inspection findings under 18 AAC 23.915, if the owner or operator of a school, shop, or facility submits a written request within 14 days after receiving the finding.

(g) The owner or operator shall post the most recent inspection report completed by the department in a conspicuous location for review by each employee and the public.

(h) The completed inspection report is a public record. The department will, if it determines that publication serves the interests of public health, publish reports or ratings in a newspaper or on the department's Internet web site. The department will forward copies of all completed inspection reports to the owner or operator and to the board.

(i) The department will report any suspected violations of 8 AAC 61.1010 to the Department of Labor and Workforce Development. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030
AS 08.13.120

AS 08.13.210

AS 44.46.020

18 AAC 23.910. Certificate suspension, notice to stop operating, and school or shop closure. (a) The department may, without prior warning, notice, or hearing, suspend a certificate of sanitary standards and require that the shop immediately stop operating if

(1) an imminent health hazard exists;

(2) multiple or repeated critical violations are noted during

(A) an inspection under 18 AAC 23.905(a);

(B) a reinspection required under 18 AAC 23.905(e); or

(C) a second inspection of the shop during a 12-month period; or

(3) the owner or operator or an employee of the shop interferes with a department employee or agent in the performance of official duties.

(b) The department may, without prior warning, notice, or hearing, issue a notice to stop operating to a school, shop, or facility subject to this chapter and require that the school, shop, or facility immediately stop operating if

(1) an imminent health hazard exists;

(2) the owner or operator of a shop fails to submit an application for a certificate of sanitary standards as required by 18 AAC 23.310; or

(3) the owner or operator of a shop applied for but was not granted a certificate of sanitary standards under 18 AAC 23.310.

(c) In a suspension issued under (a) of this section and a notice to stop operating issued under (b) of this section, the department will include

(1) the department's written findings;

(2) a description of the procedures under (f) of this section for the owner or operator to request a reinspection or a statement that the department entered into a compliance agreement with the owner or operator; and

(3) a description of the procedures under (g) of this section for the owner or operator to request that the department schedule a hearing.

(d) The department may issue a notice of closure to a school or shop if

(1) the owner or operator fails to submit plans as required by 18 AAC 23.020, or an inspection form indicates that construction or renovation at the school or shop is not in substantial compliance with this chapter; or

(2) multiple or repeated serious violations of any requirement of this chapter occur.

(e) In a notice of closure issued under (d) of this section, the department will include

(1) the department's written findings;

(2) a statement that the notice of closure is effective 30 days after the date of the notice;

(3) a statement that the owner or operator may not continue to operate after the effective date of the notice;

(4) a description of the procedures under (f) of this section for the owner or operator to request a reinspection or a statement that the department entered into a compliance agreement with the owner or operator; and

(5) a description of the procedures under (g) of this section for the owner or operator to request the department schedule a hearing.

(f) If an owner or operator is required to stop operating under this section, the owner or operator may not resume operating until a reinspection shows that the violations that caused the suspension, closure, or stoppage no longer exist, or until the owner or operator enters into a compliance agreement with the department regarding those violations. The owner or operator may

(1) request a reinspection concurrent with a request for a hearing under (g) of this section; or

(2) offer to enter into a compliance agreement with the department concurrent with a request for a hearing under (g) of this section; the department will, if public health is protected and the purposes of this chapter are otherwise satisfied, accept a compliance agreement with the owner or operator that

(A) establishes a schedule for correcting any violations; and

(B) schedules a reinspection to confirm correction.

(g) After suspending a certificate of sanitary standards under (a) of this section, issuing a notice to stop operating under (b) of this section, or issuing a notice of closure under (d) of this section, the department will provide an opportunity for a hearing as follows:

(1) the owner or operator may request, in writing, a hearing under this subsection by serving, not later than 10 days after receiving a notice of suspension, notice to stop operating, or notice of closure by serving a request on the department and the office of administrative hearings (AS 44.64.010);

(2) if a timely request for a hearing under (1) of this subsection is made, the office of administrative hearings will hold the hearing within 14 days after receipt of the hearing request;

(3) a hearing under this subsection will be conducted before an administrative law judge of the office of administrative hearings who will hear the matter and prepare a recommended decision for review by the commissioner or the commissioner’s designee if the designee is a person other than the person who issued the contested decision;

(4) in conducting the hearing under this subsection, the burden of proof and of going forward with the evidence is upon the division assigned to environmental health within the department; and

(5) after a hearing under this subsection, the commissioner or designee will affirm, modify, or set aside the suspension, notice to stop operating, or notice of closure.

(h) The department will notify the board of any actions taken under this section.

(i) Repealed 11/7/2017. (Eff. 12/1/2002, Register 164; am 11/7/2017, Register 224)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.915. Informal review of noncompliance decision. The owner or operator of a school, shop, or facility subject to this chapter may request an informal review under 18 AAC 15.185 regarding that owner or operator’s noncompliance with this chapter. This section does not affect a person’s right to a hearing under AS 44.62 (Administrative Procedure Act). (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120

18 AAC 23.990. Definitions. Unless the context indicates otherwise, in this chapter

(1) “adequate” means necessary to accomplish the intended purpose in keeping with good public health practices;

(2) “antiseptic” means an agent that destroys disease-causing microorganisms on human skin or mucosa;

(3) “approved” or “approval” means approved in writing by, or the written approval of, the department;

(4) “barbering” has the meaning given in AS 08.13.220;

(5) “biological sterilization process indicator” means a device

(A) to accompany products being sterilized through a sterilization procedure and to monitor adequacy of sterilization;

(B) that is designed and labeled as an FDA Class II medical device; and

(C) that consists of a known number of microorganisms, of known resistance to the mode of sterilization, in or on a carrier and enclosed in a protective package; subsequent growth or failure of the microorganisms to grow under suitable conditions indicates the adequacy of sterilization;

(6) “board” means the Board of Barbers and Hairdressers;

(7) “body piercing” has the meaning given in AS 08.13.220;

(8) “clean” or “cleaned” means, with regard to equipment or instruments, made free of soil, or to make free of soil, by

(A) washing in warm, soapy water and rinsing; or

(B) using another approved method if using water is inappropriate for the equipment or instrument being cleaned;

(9) “critical violation” means

(A) insufficient facilities and equipment to support the type of procedures performed;

(B) a practitioner working in a school or shop with a communicable disease, acute respiratory infection, or who has a disease communicable by touch;

(C) a person working in a school or shop who is not practicing standards of cleanliness and personal hygiene as required by this chapter, and the results of which might be a disease communicable by touch;

(D) contact surfaces of equipment or non-single-use instruments that are not cleaned and sanitized effectively to minimize cross-contamination of cleaned or sanitized equipment or instruments from soiled equipment or instruments;

(E) a water supply that

(i) is not in compliance with 18 AAC 23.030;

(ii) does not provide hot and cold running water under pressure as required by this chapter; or

(iii) has a cross-connection with a nonpotable supply or a back siphonage potential;

(F) sewage or liquid waste that is not disposed of in compliance with 18 AAC 23.030;

(G) toilets and handwashing facilities not installed or inaccessible;

(H) insects, rodents, or other animals that are on the premises, except as allowed by 18 AAC 23.040(15);

(I) poisonous or toxic material that is improperly labeled, stored, or used;

(J) a disease or illness associated with operation of the school or shop;
and

(K) non-single-use, non-disposable instruments that are required to be cleaned and sterilized that have not been cleaned and sterilized in accordance with 18 AAC 23.050;

(10) "department" means the Department of Environmental Conservation;

(11) "director" means the director of the division assigned to environmental health within the department;

(12) "disinfect" means to destroy disease-causing microorganisms on inanimate objects or surfaces and render those objects or surfaces safe for use or handling by use of an appropriate disinfection agent registered and used in accordance with 18 AAC 90;

(13) “ear piercing” means puncturing the trailing edge or lobe of the ear, using an ear piercing instrument and following manufacturer instructions;

(14) “ear piercing instrument” means a hand-held tool

(A) manufactured exclusively for piercing the earlobe, or trailing edge of the ear; and

(B) into which a sterile, single-use stud and clasp is placed and inserted into the earlobe by a hand-squeezed or spring-loaded action to create a permanent hole;

(15) “easily cleanable” means readily accessible and designed so that residue may be effectively removed by normal cleaning methods;

(16) “electrolysis” means a method of hair removal where galvanic current or high-frequency thermolysis is applied to the hair follicle using a tiny steel probe, resulting in the electrolytic formation of lye in the follicle itself to remove hair permanently;

(17) “equipment” means machinery, apparatus, and appurtenances used in connection with the operation of a shop; “equipment” includes fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, and sinks;

(18) “esthetics” has the meaning given in AS 08.13.220;

(19) “extensively remodeled” means modified or improved at an expense equal to or exceeding 25 percent of the taxable value of the school or shop before initiation of the modification or improvement;

(20) “FDA” means the United States Food and Drug Administration;

(21) “facility” means premises used for conducting ear piercing services;

(22) “footcandles” means the illumination

(A) on a surface one square foot in area on which a flux of one lumen is uniformly distributed; or

(B) produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela;

(23) “gloves” means items that are

(A) made of natural rubber, vinyl, or synthetic material, including neoprene, polyvinyl chloride, and styrene butadiene;

(B) worn on the practitioner’s hands to prevent contamination between client and practitioner; and

(C) designed and labeled by the manufacturer as an FDA Class I medical device;

(24) “hairdressing” has the meaning given in AS 08.13.220;

(25) “handsink” means a lavatory

(A) equipped with hot and cold running water under pressure that can be tempered to a temperature between 100 – 120° F by a mixing valve or combination faucet; and

(B) used solely for washing hands, arms, or other portions of the body;

(26) “imminent health hazard” means a condition with the potential to affect public health adversely; "imminent health hazard" includes

(A) the extended loss of a potable water supply;

(B) an extended power outage;

(C) a sewage backup into the school or shop;

(D) a natural disaster;

(E) an employee sick with a disease communicable by touch;

(F) a disease or illness associated with the operation of the school or shop;

and

(G) a major insect or rodent infestation;

(27) “instrument used for body piercing, tattooing, or permanent cosmetic coloring” means hand pieces, needles, needle bars, insertion tapers, forceps, hemostats, tweezers, and other implements that may come in contact with a client’s body or have possible exposure to bodily fluids during body piercing, tattooing, or permanent cosmetic coloring procedures;

(28) “jewelry” means a personal ornament inserted into a newly pierced area;

(29) “liquid gentian violet” means a dye derived from triphenylmethane that is used as a topical anti-infective and as a stain;

(30) “manicuring” has the meaning given in AS 08.13.220;

(31) “medical waste” has the meaning given in 18 AAC 60.990;

(32) “owner or operator” means a person who controls, operates, manages, or conducts barbering, hairdressing, manicuring, esthetics, body piercing, tattooing, permanent cosmetic coloring, or ear piercing activities at a school, shop, or facility; “owner or operator” includes a practitioner;

(33) “oral piercing” means piercing the cheek, the side of the mouth, the tongue, or any body part inside the mouth;

(34) “permanent cosmetic coloring” has the meaning given the term “tattooing and permanent cosmetic coloring” in AS 08.13.220;

(35) “practitioner” has the meaning given in AS 08.13.220;

(36) “premises” means a place or location used in conjunction with the activities of a school or shop described in this chapter; “premises” includes all or portions of structures, land, vehicles, equipment, instruments, supplies, a water supply, a wastewater system, and plumbing;

(37) “procedure” means barbering, hairdressing, manicuring, esthetics, body piercing, tattooing, or permanent cosmetic coloring;

(38) “procedure area” means an area or station where barbering, hairdressing, manicuring, esthetics, body piercing, tattooing, permanent cosmetic coloring, or ear piercing is performed;

(39) “procedure surface” means

(A) the surface of an inanimate object that contacts the client’s unclothed body during a body piercing, tattooing, or permanent cosmetic coloring procedure;

(B) the area of skin adjacent to and including the body piercing, tattooing, or permanent cosmetic coloring procedure site; and

(C) any associated work area that may require sanitizing;

(40) “protected storage” means storage in closed containers or compartments protected from dust, dirt, and other contaminants;

(41) “sanitize” means to reduce the number of microorganisms on cleaned surfaces and equipment to a safe level by application of an appropriate sanitizing agent that is registered as required under 18 AAC 90;

(42) “school” means premises used to teach barbering, hairdressing, manicuring, or esthetics that includes barber schools, barber colleges, beauty schools, or beauty colleges;

(43) “sharps” means sterile or contaminated objects that can purposefully or accidentally cut or penetrate the skin or mucosa; “sharps” includes pre-sterilized, single-use needles, scalpel blades, and razor blades;

(44) “sharps container” means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal;

(45) “shop” has the meaning given in AS 08.13.220;

(46) “single-use” means intended for one-time use upon one individual and disposed of after use on each client;

(47) “sterilization” means a process resulting in the destruction of all forms of microbial life, including highly-resistant bacterial spores;

(48) “sterilizer” means a steam autoclave or dry heat sterilizer that is

(A) used to sterilize medical instruments for the destruction of micro-organisms and their spores; and

(B) designed and labeled by the manufacturer as an FDA Class II medical device;

(49) “tattooing” has the meaning given the term “tattooing and permanent cosmetic coloring” in AS 08.13.220;

(50) “temporary shop” means a shop for which the owner or operator has been issued a temporary shop license by the board under AS 08.13.120(b) and 12 AAC 09.112;

(51) “tip” means the stainless steel replacement part that attaches to the body of the tube of a tattoo instrument;

(52) “tube” means the stainless steel component that is attached to a tattoo instrument and the tip; and

(56) “ultrasonic cleaner” means a device that is

(A) intended for cleaning instruments by the emission of high-frequency sound waves; and

(B) designed and labeled by the manufacturer as an FDA Class I medical device. (Eff. 12/1/2002, Register 164)

Authority: AS 08.13.030 AS 08.13.210 AS 44.46.020
AS 08.13.120 AS 08.13.220

Editor's Note: Under Department of Labor and Workforce Development regulations set out in 8 AAC 61.1010, the requirements of 29 C.F.R. 1910.1030, addressing occupational exposure to bloodborne pathogens, are occupational safety and health standards in this state. Owners and operators should contact the Department of Labor and Workforce Development for assistance in complying with those requirements.