



## Guidance on the Transition to Chapter 511-3-8, Rules and Regulations for Body Art

The State Environmental Health Section was asked about the best way to implement the state rules and repeal any county board of health rules and/or ordinances to avoid any issues in adopting these new rules. Specifically, how can we best ensure such repeals do not create either conflicting regulations (county and state), or noncompliance while existing studios and artists obtain permits under the state rules during the 12-month grace period, and what will work best as we phase in new requirements.

In order to facilitate a smooth transition to the new Department Rules, county boards of health can repeal their rules and regulations addressing body art by October 2024 (i.e., 12 months after October 6, 2023, effective date). This will provide counties an extended adjustment period in which to transition to the regulations, allow studios and individuals the 12-month period to obtain permits, and let counties complete their final inspections during this period under their previous rules.

If permits terminate during the period prior to October 2024, studios (and individuals) can obtain local permits/licenses pursuant to the local rules with the understanding that they should be transitioned to the new Body Art Rules by October 2024. Of course, new studios and individuals should be permitted under the new rules and artists would not need a local certification. Counties should work with their county attorneys to ensure the boards of health comply with any local requirements and the boards' bylaws for changing/repealing rules and regulations.

### **Key Points to Consider During the Transition Period**

1. The State rules will go into effect alongside any existing local rules on October 6, 2023.
2. Studios and artists can continue to work under their local permits and licenses until they expire.
3. The Local Health Authority should work with the existing studios and artists on transitioning them to a new studio permit and State artist certification.
4. If an existing studio needs to renew their local studio permit or an artist's needs to renew a license during this time because they need more time to transition to compliance with the new rules, this is allowed.
5. Counties should attempt to transition all their existing studios to comply with the new rules before beginning the process of rescinding their local rules.
6. All local rules should be rescinded by October 6, 2024.
7. Any new studios and artists that apply for permits should be permitted under the new rules and regulations.