

**MEMORANDUM  
PLACER COUNTY HEALTH AND HUMAN SERVICES  
Environmental Health Division**

**TO:** Honorable Board of Supervisors

**FROM:** Richard J. Burton, M.D., M.P.H.  
Placer County Health Officer and Director of Health & Human Services  
Kenneth C. Stuart, MSEH, REHS, Interim Director of Environmental Health

**DATE:** August 21, 2012

**SUBJECT:** Amend County Code and Set Fees for Statutorily-Mandated Safe Body Art Program

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**ACTION REQUESTED:**

The Board is requested to take the following actions:

1. Conduct a public hearing, and
2. Adopt a resolution pursuant to Placer County Code Section 2.116.100 that sets the amount of the fees that the Environmental Health Division can charge for the new State-mandated Safe Body Art Program.

**BACKGROUND:**

On October 9, 2011, Assembly Bill (AB) 300, The Safe Body Art Act, was signed into law and became Section 119300 of the California Health and Safety Code. This Act applies to all body practices, including piercing, tattooing, and permanent cosmetics. The Act applies to permanent, temporary, and mobile facilities, body art practitioners. The effective date of the legislative Act was January 1, 2012, and the compliance date for registration of body art practitioners and body art facilities was July 1, 2012.

The Health and Safety Code, Section 119300, now requires the enforcement of the Safe Body Art Act by the local enforcement agency, and identified that agency as the local health agency. In Placer County this will be the Environmental Health Division. The Act specifies that the local enforcement agencies will directly rely on State law directives to create and manage the program. Finally, the Act specifies that no State reimbursement to local agencies is required because a local agency has the authority to levy service charges, fees, or assessments sufficient to pay for the program.

Environmental Health staffs have developed an inventory of body art facilities and practitioners in Placer County and its cities, and they have identified 35 facilities and 80 practitioners.

Environmental Health Specialists have attended an all-day seminar on inspecting Body Art Facilities, and are well prepared to implement an effective and efficient program.

The fees included in the fee resolution are based on the projected time each state mandated action (registration, inspection, plan check, etc.) takes. The projected staff activity times and subsequent fees have been compared with the proposed or adopted fees in Sacramento, Nevada, El Dorado, Kern, San Diego, Riverside, Santa Clara and Monterey Counties, and the proposed Placer County fees are equal to or slightly less than those proposed and/or adopted in the comparison counties. It is anticipated that the initial invoices for the body art facilities and practitioners will be sent by September 2012.

Program outreach with the local body arts industry has been ongoing, with the initial inventory developed by telephone calls and site visits. Brochures containing the program outline, blank inspection reports, training assistance and the fact that fees will be charged have been sent to practitioners as well as body art facilities. For the past three months, the Environmental Health website has contained details on the

developing program. The July 17, 2012 edition of the Auburn Journal contained an article on the developing program, and a public meeting detailing the proposed Body Art Act fees and the

implementation schedule was held on August 10, 2012. A Notice of Public Hearing for this hearing was published in the August 10, 2012 Auburn Journal.

**FISCAL IMPACT:**

Projected fees of \$33,620 will provide for the full cost recovery during the initial development phase of the program, and projected annual fees of \$23,420 will provide for full cost recovery in subsequent years. The higher first year fees are the result of the initial registration and permitting requirements for the facilities and practitioners.

A copy of the Safe Body Art Program fee study is on file with the Clerk of the Board.

**Attachments:**

Resolution – Adoption of Fees for Safe Body Art Program  
Exhibit A - Safe Body Art Program Fee Schedule

**Before the Board of Supervisors  
County of Placer, State of California**

In the matter of:

**Resolution No:** \_\_\_\_\_

**Adoption of a Resolution to Establish Fees  
for the Safe Body Art Program**

**Ord. No.:** \_\_\_\_\_

**First Reading:** \_\_\_\_\_

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chair, Board of Supervisors

Attest: \_\_\_\_\_  
Clerk of said Board

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**WHEREAS**, pursuant to the Safe Body Art Act (Health and Safety Code Section 119300 *et seq.*), the Placer County Environmental Health Division, acting as the authorized Placer County Local Enforcement Agency (LEA), is responsible for implementing for the Safe Body Art Act (SBAA), and

**WHEREAS**, pursuant to Health and Safety Code 119306 (b)(7), 119312 (a)(2), 119317.5, 119323, 119324.5 and 119328, a LEA shall set a fee(s) to implement SBAA, and

**WHEREAS**, pursuant to section 2.116.100 of the Placer County Code, such fees shall be imposed by the adoption of a resolution of the Board of Supervisors; and

**WHEREAS**, pursuant to Health and Safety Code 119306 (b)(7), 119312 (a)(2), 119317.5, 119323, and 119324.5, LEA shall institute fees in a single fee system to recover the necessary and reasonable costs incurred in administering a program, and

**WHEREAS**, the County has undertaken a study to determine such costs based upon the salary costs of County staff and the time spent by County staff on activities related to the program based upon estimates developed by County staff in Placer County and other comparable counties, and

**WHEREAS**, the County has determined the proposed fee amount does not exceed the estimated reasonable cost of administering the program and providing the services for which the fee will be utilized,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of Placer does hereby adopt the fees as set forth in Exhibit A, attached hereto, for implementation of the Safe Body Art Act within the Placer County LEA's areas of authority.

**BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of Placer that said fees shall be adjusted annually in accordance with Section 2.116.100 of the Placer County Code.

**BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of Placer that said fees shall take effect from the date of adoption of this resolution.

## EXHIBIT A

### Safe Body Art Program Fee Schedule

Program Element (1)	Program Description	Annual Fee
1401	Mechanical Stud/Ear Piercing Facility	\$ 40.00 (2)
1402	Body Art Practitioner – Initial Application	\$ 80.00
1403	Body Art Practitioner – Annual Registration	\$ 80.00
1404	Body Art Practitioner - Temporary/Out of County	\$ 80.00
1410	Permanent Facility – Initial Application	\$160.00
1411	Permanent Facility – Annual Permit	\$214.00
1415	Plan Check – New Permanent Facility	\$320.00
1416	Plan Check – Major Remodel	\$160.00
1417	Plan Check – Minor Remodel	\$120.00
1420	Mobile Facility – Initial Application	\$160.00
1421	Mobile Facility – Annual Permit	\$120.00
1422	Mobile Facility – Plan Check	\$120.00
1425	Temporary Event Coordinator	\$160.00
1426	Temporary Event – per booth	\$ 40.00
1427	Program Consultation/hour	\$160.00
1428	Follow-Up Inspection	\$ 80.00
1429	Follow-Up Application Review	\$ 40.00
1430	Temporary Event – Ear Piercing/booth	\$ 40.00

Footnotes:

- (1) Program Elements are internal database tracking numbers
- (2) One-time fee established in Health and Safety Code

# NOTICE OF PUBLIC HEARING

## PLACER COUNTY BOARD OF SUPERVISORS

WHERE: Board of Supervisors' Hearing Room, 175 Fulweiler Avenue, Auburn, CA 95603

WHEN: August 21, 2012 at 10:00 a.m.

SUBJECT: SAFE BODY ART PROGRAM CODE AND FEES CONSIDERATION  
ALL SUPERVISORIAL DISTRICTS

Notice is hereby given that the Placer County Board of Supervisors will conduct a public hearing, on the date and time noted above, to consider a request from the Placer County Environmental Health Division of the Health and Human Services Department for authorization to establish fees for administering the Safe Body Art Program and to establish those fees.

Administrative remedies must be exhausted prior to an action being initiated in a court of law. If the proposed action is challenged in court, one may be limited to those issues raised at the public hearing described in the notice or in written correspondence delivered prior to the public hearing.

In accordance with County Administrative Rule 15, 10(c), all letters, written materials, studies or reports in excess of one (1) page should be delivered to the Clerk of the Board, 175 Fulweiler Avenue, Room 101, Auburn, CA 95603, at least 24 hours or one (1) business working day prior to the beginning of the meeting as noticed above.

Further information on the proposed project can be obtained by calling the Environmental Health Division at (530) 745-2300 during normal business hours. Interested persons are invited to attend the hearing or submit written comments.

### BOARD OF SUPERVISORS

Clerk of the Board, Ann Holman

Interim Environmental Health Director, Ken Stuart

### Distribution:

Foresthill Forum	City of Auburn
Granite Bay MAC	City of Colfax
Horseshoe Bar Area Advisory Council	City of Lincoln
Meadow Vista MAC	Town of Loomis
Newcastle/Ophir MAC	City of Rocklin
North Auburn MAC	City of Roseville
North Tahoe Regional Advisory Council	
Penryn Area Advisory Council	<b>COUNTY DEPARTMENTS</b>
Placer Group Sierra Club	Board of Supervisors – All Districts
Rural Lincoln Advisory Council	Ag Commissioner
Sheridan MAC	Animal Control
Sierra Planning Organization	Assessor
Squaw Valley MAAC	Code Enforcement
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