



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Health  
**Department No.:** 041  
**For Agenda Of:** December 11, 2012  
**Placement:** Departmental  
**Estimated Tme:** 25 min  
**Continued Item:** Yes  
**If Yes, date from:** November 13, 2012  
**Vote Required:** Majority

---

**TO:** Board of Supervisors  
**FROM:** Department Takashi Wada, MD, MPH, Director and Health Officer  
Director Public Health Department  
Contact Info: Lawrence D. Fay, Jr., Director of Environmental Health Services  
**SUBJECT:** Environmental Health Services Body Art Fee Resolution

---

**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** N/A

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors consider the following recommendations regarding a Resolution for fees relating to tattooing, body piercing and permanent cosmetics (collectively referred to as "Body Art"):

- A. Consider adoption of an Environmental Health Services Fee Resolution relating to Body Art practices pursuant to California Health & Safety Code §119300 et seq.
- B. Pursuant to California Environmental Quality Act (CEQA) guidelines, approve the Notice of Exemption from the California Environmental Quality Act of 1970 (CEQA) for the fee resolutions.

**Summary Text:**

The Board of Supervisors considered a Fee Resolution relating to Body Art practices in a hearing on November 13, 2012. At that hearing, the Board directed that this item be continued to allow staff the opportunity to reexamine the fees and explore whether an alternate fee structure could be developed that would address issues raised at the hearing while maintaining the ability to recoup costs and protect the public's health.

Environmental Health Services (EHS) staff met with a subgroup of stakeholders involved in the body art business on November 20 to discuss the fees. The proposed Fee Resolution before the Board is a result of the consensus achieved at this meeting. Changes were made to fees in 3 areas: Annual Facility Health Permit, Annual Practitioner Registration and Temporary Event Sponsor.

**Background:**

The Body Art Fee Resolution in Santa Barbara County was last revised in 2009. In 2012, the California legislature amended the Health and Safety Code with the *Safe Body Art Act* to provide statewide standards governing the practice of body art. These requirements are intended to protect both the practitioner and the client from the transmission of infectious diseases through the application of proper procedures and the control of cross-contamination through instruments and supplies. EHS is the designated local agency to administer the law governing body art services within Santa Barbara County.

The chart below compares the current fees, the fees originally proposed at the November hearing, and the revised fees that your Board is asked to consider today:

<b>Proposed Title</b>	<b>Current Fee</b>	<b>Fee Proposed November</b>	<b>Fee Currently Proposed</b>	<b>Benchmark County Fees: High</b>	<b>Benchmark County Fees: Low</b>	<b>Benchmark County Fees: Avg</b>
Annual Facility Health Permit	\$250	\$365	\$360	\$415	\$192	\$305
Annual Vehicle Health Permit	NEW	\$365	\$360	\$282	\$120	\$201
Annual Practitioner Registration	\$125	\$300	\$205	\$170	\$47	\$116
Temporary Event Sponsor	\$500	\$1,150	\$825	\$536	\$106	\$242
Temporary Event Practitioner Registration	\$95	\$40	\$40	\$137	\$30	\$82

Fees vary across counties due to a number of factors including the salary and level of experience of the staff in the program, the way the work is done, the extent to which the program has other funding sources, and the number of facilities within the jurisdiction. Through talking with staff in other counties doing similar work and the discussions with stakeholders, EHS was able to reduce the staff time spent in program activities thus enabling the proposed fee reductions from that previously presented to the Board of Supervisors on November 13, 2012.

There were a number of questions at the November 13 hearing on the Temporary Event Fees. Concerns were expressed about whether temporary event fees are fair compared with fees in benchmark counties. The way temporary body art events will be handled under the proposed fee methodology is more time efficient (and therefore more cost effective) than the way temporary events are currently handled. By spending additional time with the organizer up front to educate them on the requirements, the time needed to work with each individual practitioner at the event can be reduced and event costs overall are reduced as illustrated in the example below.

Past experience with temporary events in Santa Barbara County tell us that these events have had 65 or more practitioners. Under the existing fee structure, each practitioner would pay \$95 for inspection time and the organizer would pay \$500 for the time involved with permitting the event. The total fees for the event would be \$6,675. By working with the organizer ahead of time on the event and inspection requirements, staff time required for each practitioner is reduced. The new structure would allow the staff time to be reduced overall and the total cost for the services would be reduced from \$6,675 to \$3,100. So while this fee may seem out of line with the way it is handled in other counties, it is an equitable and efficient way to recover the costs for temporary body art events.

The Fee Resolution contains several revisions to the current Fee Schedule as noted below:

- The annual facility fee is now considered a health permit for the body art facility and has been increased by \$110.
- A new annual fee for a body art vehicle health permit has been added.

- The annual fee for registered body art practitioners has been increased by \$80
- The one time registration fee of \$25 for body art practitioners was deleted.
- The temporary body art festival organizer fee has increased by \$325.
- The temporary festival practitioner fee has decreased by \$55.
- The hourly rate for plan checks of body art facilities has remained the same, \$136.

**Fiscal and Facilities Impacts:**

Budgeted: Yes, at current resolution fees.

Adoption of the resolution to amend fees will not increase General Fund contribution or A87 Plan overhead. The EHS Body Art program and fees have been in effect since 1999. The program is included in the FY 2012-13 adopted budget in the Environmental Health Cost Center. Adoption of this resolution is projected to increase annual revenue by \$3,780 and will offset a commensurate amount of increased costs.

**Special Instructions:**

Return one original, adopted resolution and one Minute Order to the Public Health Department Contracts Unit, 300 N. San Antonio Road, Bldg. 8, Santa Barbara, CA 93110, Attn: Rose Davis.

**Attachments:**

- Resolution amending fees for Environmental Health Services relating to Body Art pursuant to California Health & Safety Code §119300 et seq.
- Fee Schedule – Changes Tracked
- Benchmark Counties – Peer Review
- Matrix of Proposed Changes to Fee Schedule

**Authored by:** Michele Mickiewicz, Deputy Director – Public Health