



ADMINISTRATIVE RULES OF MONTANA

37.112.103 DEFINITIONS

In addition to the definitions contained in 50-48-102, MCA, the following definitions apply to this subchapter:

- (1) "Aftercare instructions" means verbal and written instructions that the client should follow to prevent infection and promote healing of the skin after receiving a body art procedure.
- (2) "Antiseptic" means 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," "germicide," or other similar terms.
- (3) "Aseptic technique" means a procedure that prevents contamination of any object or person.
- (4) "Autoclave" means 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.
- (5) "Automated instrument washer" means a mechanical washer designed specifically for the decontamination of instruments prior to sterilization. These devices must comply with ISO 158831/2.
- (6) "Blood-borne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).
- (7) "Body art" means body piercing and tattooing. The term includes ear lobe piercing, branding and scarification.
- (8) "Body artist" means a person performing body art services.
- (9) "Body modification" is the intentional altering of the human body for any nonmedical reason.
- (10) "Branding" means the process in which a mark or marks are burned into human skin tissue with the intention of leaving a permanent mark.
- (11) "Cleaning room" means the room used to sterilize instruments and jewelry with an autoclave.
- (12) "Client" means an individual on whom a body artist performs a body art procedure.
- (13) "Contaminated" means the probable presence of blood or other potentially infectious materials on an item or surface.

- (14) "Disinfectant" means a substance or solution, registered with the United States Environmental Protection Agency (EPA), which kills or inactivates viruses and pathogenic microorganisms, but not necessarily their spores.
- (15) "Ear lobe piercing" means the puncturing of the ear lobe, but not the ear cartilage, to create a permanent hole for cosmetic purposes.
- (16) "Easily cleanable" means a characteristic of a surface that allows effective removal of soil by normal cleaning methods.
- (17) "Equipment" means all machinery, including fixtures, containers, vessels, instruments, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of an establishment.
- (18) "Implant" means any transdermal or subdermal object that is embedded into a person's body. Implants do not include microdermal anchors or two-point piercings.
- (19) "Infectious waste" has the meaning provided for in 75-10-1003, MCA.
- (20) "Ink cup" means a small container for an individual portion of pigment which may be installed in a holder or palette, and in which a small amount of pigment is placed.
- (21) "Instrument" means a hand piece, needle, and any other tool that may come in contact with a client's body or be exposed to blood or body fluids during a body art procedure.
- (22) "Jewelry" means any biocompatible object that is worn through a body piercing.
- (23) "Material certificate" means 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.
- (24) "Microdermal anchor" means a piece of jewelry used for single-point piercings that has a foot no larger than 8mm in length.
- (25) "Mobile establishment" means a licensed facility where body art is conducted, utilizing a wheeled vehicle for movement from place to place.
- (26) "Operator" means any owner of an establishment or any person who is responsible for the establishment as well as the other body artists working at the establishment, for the purpose of meeting the requirements of this chapter.
- (27) "Permanent cosmetics" means a tattoo, whether permanent or semipermanent, which is applied to a body part, including eyebrows, eyelids, lips, and other parts of the body for beauty marks, hair imitation, lash enhancement, or areola repigmentation. This term also includes procedures commonly referred to as permanent makeup, micropigmentation, micropigment implantation, microblading, dermagraphics, cosmetic tattooing, and other similar types of procedures.
- (28) "Physician" means a person licensed to practice medicine in Montana by the Montana Board of Medical Examiners under the Department of Labor and Industry.
- (29) "Piercing gun" means a device approved by the department that pierces an individual's ear lobe using a single-use stud and clasp ear piercing system.
- (30) "Sanitization" means the effective treatment of surfaces of inanimate objects by a product registered by the EPA that provides a sufficient concentration of chemicals and enough time to reduce the bacterial count, including pathogens, to a safe level.

- (31) "Scarification" means the process in which a mark or marks are cut into human skin tissue with the intention of leaving a permanent mark.
- (32) "Sharps" means any discarded instrument or article that may be contaminated with blood or other bodily fluid and may cause punctures or cuts, including needles, scalpel blades, uncovered razors, and broken glass. A disposable shaving razor with protective cap in place is not considered a sharp.
- (33) "Single-point piercing" means a piercing that creates a hole in the skin that acts as both the entry and exit for a microdermal or transdermal anchor.
- (34) "Single-use" means products or items that are intended for one-time, one-person use and that are disposed of after use on a client, including 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.
- (35) "Sterilize" means to treat an object or surface with a procedure that kills or irreversibly inactivates all microorganisms, including bacteria, viruses, and pathogenic fungi, including their spores.
- (36) "Strike branding" means the process by which a mark is burned with heated metal into the tissue of a person.
- (37) "Subdermal object" means an item that is implanted under the skin.
- (38) "Tattooist" means a person who engages in the practice of tattooing.
- (39) "Temporary establishment" means a facility where body art is conducted for not more than 14 days at one location in a calendar year.
- (40) "Transdermal anchor" means a piece of jewelry used for single-point piercings that has a foot larger than 8mm in length.
- (41) "Transdermal object" means an item that is passed, entered, or made by penetration through the skin. Transdermal objects do not include microdermal anchors.
- (42) "Two-point piercing" means a piercing that punctures the skin creating a distinct entry and exit point.
- (43) "Ultrasonic unit" means 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.
- (44) "Universal precautions" means the current set of guidelines and controls published by the U.S. Centers for Disease Control and Prevention that includes specific recommendations for the use of protective equipment such as gloves, masks, or protective eye wear whenever contact with blood or body fluids containing blood is anticipated.
- (45) "Work room" means a designated room or area in which body art takes place. The work room includes the client chair or table, counter, mayo stand, instrument tray, storage drawer, and body artist's chair.

Authorizing statute(s): 50-48-103, MCA

Implementing statute(s): 50-48-102, 50-48-103, MCA

History: NEW, 2007 MAR p. 351, Eff. 3/23/07; AMD, 2013 MAR p. 156, Eff. 2/1/13; AMD, 2025 MAR, 37-1072, Eff. 4/26/25.