



Fairfax County Tattoo Establishments Ordinance

Division of Environmental Health

Fairfax County Health Department

*For similar state law see Va. Code Ann., § 15.1—28.3.

Article 1.* In General.

Section 35-1-1. Title.

This Chapter shall be known and may be cited as the Fairfax County Tattoo Establishments Ordinance.

(46-86-35)

Section 35-1-2. Scope.

The provisions of this Chapter shall apply to all tattoo establishments as indicated and herein defined. Tattoo establishments for which building permits are issued subsequent to the effective date of this Chapter shall be constructed in accordance with provisions of this Chapter. The purpose of this Chapter shall be to protect the health, safety and general welfare of the inhabitants of Fairfax County. The Administrative Authority may adopt reasonable regulations to promote health and safety and/or to aid in the proper enforcement of this Chapter.

(46-86-35)

Section 35-1-3. Definitions

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively assigned to them by this Section:

Administrative Authority: The Director of Health Services or the duly authorized agents of the Director.

Common Space: All portions of the premises used in common by more than one (1) tenant and not under the exclusive control of any tenant.

Disinfection: A reduction in numbers of pathogenic organisms to levels where bacterial and viral infections should not occur.

Manager: Any person having immediate control of a tattoo establishment and of the persons working or employed therein.

Premises: A tattoo establishment, any restroom, waiting room, hall, lounge, storage room or accessory buildings, appurtenant to such tattoo establishment and the area or land surrounding the tattoo establishment forming an enclosure in which such tattoo establishment is located or where tattooing is practiced, and which is under the control of the owner or manager, or used by him directly or indirectly in connection with the tattoo establishment.

Sterilization: The process of removal of all microorganisms by subjecting them to autoclaving for 15 minutes at 121° C, 10 minutes at 126° C or 3 minutes at 134° C.

Tattoo: To puncture the skin with a needle and insert indelible colors so as to leave permanent marks or designs.



Tattoo Parlor: Any place, shop or establishment within the County wherein the practice of tattooing is engaged in or carried out, and shall include all portions of the premises under the control of the owner or manager thereof, which portions are used in part or in whole for the conducting of the business.

Tattooist: Any person engaged in the practice of tattooing.

Work Station: Area where tattooing is performed.

(46-86-35)

Section 35-1-4. Right of entry for purposes of inspection.

For the purpose of enforcing the regulations of this Chapter, the Administrative Authority and its agents are hereby authorized to enter upon and into any tattoo establishment in the County during all reasonable hours to inspect same. No person shall hinder, interfere with or prevent any inspection authorized by these regulations.

(46-86-35)

Section 35-1-5. - Permit prerequisite; posting compliance with Article.

- (a) No tattoo establishment shall be opened for business until an application has been approved and permit issued upon compliance with the requirements of this Chapter and all other applicable County ordinances, including the Zoning Ordinance.
- (b) The current tattoo establishment permit issued by the Administrative Authority pursuant to this Chapter shall be kept posted in a conspicuous place in the establishment.
- (c) Whoever violates any provision of this Chapter, by doing a prohibited act, or failing to perform a required act, or failing to perform permitted acts in the prescribed manner shall be deemed guilty of a Class 3 misdemeanor. Each day such violation continues shall constitute a separate offense.
- (d) The permit issued by the Administrative Authority shall be nontransferable.

(46-86-35)

Section 35-1-6. - Correction of violations, hearing, suspension or revocation of permits.

- (a) *Suspension of Permits:* Whenever a violation of this ordinance [Chapter], the Tattoo Regulations (see Section 35-1-2), or other applicable County ordinances is found, the Administrative Authority may issue a written notice to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the permit is immediately suspended, and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Administrative Authority within five (5) working days shall be afforded a hearing as soon as possible.



- (b) *Reinstatement of Suspended Permits:* Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Administrative Authority shall make a reinspection. If the Administrative Authority determines that the applicant is complying with the requirements of this Chapter, the permit shall be reinstated.
- (c) *Revocation of Permits:* For serious or repeated violations of any of the requirements of this Chapter, or for interference with the Administrative Authority in the performance of his duties, or for violation of any applicable County ordinance, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Administrative Authority. Prior to such action, the Administrative Authority shall notify the permit holder in writing. Unless a request for a hearing is filed with the Administrative Authority by the permit holder within a five (5) working day period from receipt of notice, the permit will be revoked. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
- (d) *[Representation at Hearings:]* All hearings before the Administrative Authority shall allow all parties the opportunity to be represented by counsel and present witnesses, evidence and testimony.

(46-86-35)

Section 35-1-7. - Responsibilities of owners and managers generally.

It shall be the duty of the owner or manager of each tattoo establishment to obtain the necessary licenses and permits, and be responsible for the observance of these regulations; provided that, in addition, each individual tattooist shall be responsible for the observance of these regulations insofar as they refer to his/her conduct and the care of his/her tools.

(46-86-35)

Section 35-1-8. - Separability clause.

Should any article, section, subsection, sentence, clause or phrase of this Chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Chapter in its entirety or any part thereof other than that so declared to be invalid.

(46-86-35)

Section 35-1-9. - Plans and specifications for tattoo establishments.

Plans and specifications for any tattoo establishment hereafter established, removed to a new location, or remodeled shall be submitted to the Administrative Authority for review and approval before such shop may be opened for business. Such plans shall show all details as to entrances, partitions, windows, openings, ventilation, vestibules, toilets, water supply and such other details as may be required by the Administrative Authority.

(46-86-35)



Section 35-1-10. - Tattoo establishment not to be used for living purposes.

No portions of any tattoo establishment shall be used for sleeping purposes, nor shall living quarters of any kind be directly entered through the tattoo establishment, nor shall any cooking be permitted in a tattoo establishment.

(46-86-35)

Section 35-1-11. - Separation of tattoo establishment from other businesses.

No tattoo establishment shall be permitted to be connected with any other business or dwelling unless it be separated by a partition or wall constructed in accordance with County and State requirements. Access to any dwelling or to any other place of business shall not be through a tattoo establishment but shall be by means of a separate entrance.

(46-86-35)

**Article 2.
Sanitary Requirements.**

Section 35-2-1. - Tattoo establishment, equipment and supplies.

(a) Each tattoo establishment shall have the following facilities and equipment:

- (1) Toilet facilities located within the same building as such tattoo establishment, accessible without going outside such building or through space exclusively controlled by another, and which may be reached by a line of travel not exceeding two hundred (200) feet. Handwashing facilities must be easily accessible to the users of the toilet facilities. An adequate supply of toilet tissue, single-use towels and soap must be provided.
- (2) At least one (1) service sink or mop basin with running hot and cold water for custodial purposes and not for customer service; provided, that where a part of the premises is used for a tattoo establishment, it shall be sufficient if the plumbing fixture for custodial purposes is provided within the building if it can be reached by a line of travel not exceeding one hundred (100) feet without going outside of the building and is not used in connection with any dwelling unit.
- (3) At least one (1) sink located within the tattoo establishment with running hot and cold water for cleaning of instruments.
- (4) An adequate supply of an approved disinfectant. The Administrative Authority is to maintain a list of approved disinfectants.
- (5) Closed storage cabinets for tools, supplies, clean linens and other materials used in the practice of tattooing.
- (6) Suitable covered containers for all waste materials.
- (7) Suitable storage space for custodial equipment and supplies.
- (8) Suitable dispensers for all single-service articles, pigment preparations, and other materials such as cotton balls or swabs.



- (9) Sufficient number of tools or sets of tools to allow continuation of patron service while previously used tools or sets of tools are being cleaned and sterilized.
 - (10) At each work station, a hand sink with a soap and towel dispenser shall be provided in the customer service area for handwashing purposes only. The hand basin shall be equipped with foot, knee or elbow operated faucets. Each work station shall be within six (6) feet of the sink.
- (b) The minimum equipment for each work station when in use shall be as follows:
- (1) A chair. Chairs with head rests shall have a changeable covering.
 - (2) A table. The table shall have a smooth, nonabsorbent, easily cleanable surface and shall be in good repair.
 - (3) One (1) closed receptacle for the storage of clean tools.
 - (4) Suitable dispensers for all single-service articles.
 - (5) At least one (1) covered waste receptacle shall be provided; and where there are multiple work stations, there shall be a receptacle for every two (2) stations or fraction thereof.

(46-86-35)

Section 35-2-2. - Sanitation and design requirements for buildings.

- (a) The windows, floors, walls and ceilings of all tattoo establishments, together with all the appurtenances therein, and all tools, appliances and other equipment used in connection therewith, shall be kept at all times in a clean and sanitary condition and in good repair. The tattoo establishment and all its parts shall be free of rodents and vermin. Walls and floors must be smooth, nonabsorbent and washable. Floor mats, if used, must be smooth, nonabsorbent and washable.
- (b) Floor and walls of toilet rooms shall be of nonabsorbent materials. All toilet room doors shall be self-closing. Toilet rooms shall be kept in a clean and sanitary condition at all times.
- (c) All rooms used for the purpose of tattooing shall be provided with artificial illumination uniformly distributed so as to give an illumination intensity of seventy-five (75) footcandles or more at the working surfaces at each work station. Such illumination shall be reasonably free from glare.
- (d) All rooms used for the purpose of tattooing shall be provided with openable window area equal to at least five percent (5%) of the floor area for ventilation purposes, except that a mechanical or positive ventilation system may be substituted for, or supplement, ventilation using openable windows. When such mechanical ventilation systems are used, rooms shall be provided with facilities for at least five (5) air changes per hour. The atmosphere in each tattoo establishment shall be maintained reasonably free of odors, noxious substances or any objectionable air contaminant.
- (e) For the purpose of providing adequate ventilation where a tattoo establishment is divided into enclosed work stations, the following shall apply: When ventilation using openable windows is provided and there are partitions on at least two (2) sides of the work station, there shall be a minimum of twenty-four (24) inches of open space between the top of the dividing partition and the ceiling, and a minimum of four (4) inches of open space between



the bottom of the dividing partition and the floor. No such dividing partition shall be higher than six (6) feet from the floor, provided the front of the work station is completely open; when mechanical ventilation is provided, the sides dividing partitions may be flush with the floor, but shall not be higher than six (6) feet from the floor, provided the front of the work station is completely open. Combustible drapes shall not be used as side walls or front closures for work stations.

(46-86-35)

Section 35-2-3. - Health and personal hygiene for tattooists.

- (a) Every tattooist in a tattoo establishment shall cleanse his hands thoroughly with soap and hot running water immediately before serving each patron. If the tattooist has a cut or abrasion, or any type of skin infection on his wrists or hands, he must use gloves while tattooing.
- (b) Employees, or any person, performing work upon a patron shall at all times be dressed in clean attire.
- (c) No person shall knowingly engage in the practice of tattooing when suffering from any disease in a communicable form.
- (d) All persons employed in a tattoo establishment shall furnish such information, permit such physical examination and submit such laboratory specimens as the Administrative Authority may require for the purpose of determining freedom from communicable disease.

(46-86-35)

Section 35-2-4. - Sanitation of tattooing instruments.

- (a) Every tattoo establishment shall be provided with, and shall use, proper facilities for cleansing, disinfection and fungicidal treatment of all instruments and implements employed in the practice of tattooing. Sinks or containers for disinfecting and fungicidal solutions shall be of such size as will accommodate all instruments and implements to be disinfected or treated against pathogens or fungi. A sufficient amount of approved disinfectant solution must be provided at all times for the proper disinfection of all instruments and implements. Specimens may be taken from time to time by the Administrative Authority to determine whether or not the instruments and implements so used in such establishments are free from pathogenic organisms and fungi, and whether or not the disinfecting and fungicidal materials are suitable for their purposes.
- (b) No tattoo establishment shall use for the service of any customer any tool or implement that has not been thoroughly cleansed, disinfected and, where indicated in this ordinance [Chapter] or by regulation, sterilized since last used.
- (c) All disinfecting solutions shall be renewed as often as necessary to retain their strength. Sinks or containers used for disinfecting purposes shall be thoroughly cleaned daily and refilled with fresh solution. When disinfectant solutions are retained for reuse, the container shall be covered when not in use.



- (d) Closed cabinets and covered containers used for the storage of supplies, clean linen and disinfected tools shall be kept in a clean and sanitary condition at all times, and shall be washed and disinfected with a disinfecting solution at regular intervals.
- (e) When not in use, tools not used to pierce the skin shall not be left exposed on the work table, but shall be cleaned, disinfected and placed in a clean closed drawer or cabinet.
- (f) Instruments used to pierce the skin, or other objects in contact with broken skin, shall be considered to be contaminated and shall not be used on another customer unless they have been thoroughly cleansed and sterilized in an autoclave. An autoclave shall be used for storage of these instruments between use on separate persons.

(46-86-35)

Section 35-2-5. - Sanitation of disposable articles.

- (a) All disposable articles must be stored in a sanitary manner and dispensed properly. All disposable material must be discarded immediately after use.

(46-86-35)

Section 35-2-6. - Hygienic practices of tattooing.

- (a) All tools and other implements or materials used in the service of a patron shall be removed from the work table immediately after the service of each patron and shall be placed in the proper container. Jars containing jellies shall be kept covered at all times.
- (b) The common use of shaving mugs and shaving brushes is prohibited.
- (c) The making of shaving lather in a wash basin or lavatory for use in serving a patron is prohibited.
- (d) Alum or any material used to stop the flow of blood must be used only in the form of a powder or liquid and applied only with sterile gauze or sterile absorbent cotton.
- (e) Where jellies are provided in jars or similar containers, they shall be removed with a clean spatula for the use of each patron. Unused portions of jellies remaining from service on a patron shall be discarded. Pigments, once removed from original container, shall be discarded after use.
- (f) Soap in cake or stick form shall not be used, except where packaged for individual use and used for one (1) person only.
- (g) Tattooists shall not remove, or attempt to remove, a wart [or] mole or treat any skin or other disease of a patron.
- (h) Preparations may not be used unless they are used in accordance with the manufacturer's recommendations.

(46-86-35)



Section 35-2-7. - Infected patrons.

- (a) Tattooists shall not serve any patron when the skin of the patron is inflamed, contains pus or is erupted unless such patron submits a certificate from a duly licensed physician stating that such inflammation or eruption is not communicable. Tattoos shall not be carried out within six (6) inches of an infected area of skin or skin covered with a rash.
- (b) Tattooists shall not knowingly serve any patron who is afflicted with a fungus infection, nor shall they serve any patron whom they suspect of being infected with any communicable disease.
- (c) Records shall be kept of the name and address of each customer, description of tattoo, phone number and date of service. The records shall be retained for one (1) year from date of service.

(46-86-35)

REGULATIONS FOR TATTOO ESTABLISHMENTS

PART I.

Sterilization and Disinfection.

Sterilization.

Autoclaving is the method required and is accomplished by superheated steam under pressure.

Times and Temperatures for Moist Heat Sterilization by Autoclave

Method	Temperature ° (C)	Holding Time* (mins.)
Autoclave (moist heat)	121	20
"	126	15
"	134	5

*The holding time is the time the entire load is held at the recommended temperature.

In heat sterilization, both time and temperature are important: once the required temperature is reached, instruments to be sterilized must be held at that temperature for a certain minimum time. Instruments to be sterilized must be scrupulously clean as the steam has to be in contact with the surface of the instrument.

The minimum time and temperature for autoclaves is five (5) minutes at one hundred thirty-four (134) degrees Celsius.



Disinfection.

Disinfectants do not sterilize; they only reduce the number of some microorganisms. Only approved disinfectants shall be used. Alcohol (70%) or a clear phenolic solution (e.g. carbolic acid) is suitable for wiping motors and table tops. Fresh solutions of hypochlorite and clean phenolics must be made up daily, and of glutyaldehyde weekly; the manufacturer's instructions regarding the correct concentrations shall be followed. Any organic matter or dust adhering to objects to be disinfected will seriously affect potency of the disinfectant, so that all instruments must be physically clean prior to disinfection.

Summary: The following table summarizes the use of disinfectants in most procedures:

Table I: Approved Disinfectant Solutions				
	Agent	Preparation	Time	Uses
1.	Hypochlorite* (5.25% chlorine laundry bleach)	Make up daily. 5000 (ppm) parts available chlorine per million by diluting 1 part with 10 parts of water.	(soak) 30 mins.	Corrodes metals. Excellent for other materials, and for disinfection of needles, etc., before disposal.
2.	Glutyaldehyde (Cidex)	Make up weekly, using activator. Do not dilute.	(soak) 30 mins.	Damp-wiping pigment capsule holders in tattooing.
3.	70% alcohol	Do not dilute.	(Damp wipe) leave 30 mins., except skin.	Skin, table tops, metals (except instruments and containers).
4.	Clear phenolics*	Make up daily, dilute according to manufacturer's instructions.	(Damp wipe) leave 30 mins., except skin.	Table tops, damp-wiping tattoo motors.

The use of 1 and 2 will suffice for most purposes. The use of disinfectants other than those mentioned in the table is not recommended unless approved by the Administrative Authority.

* *Note:* These disinfectants are corrosive to the skin, especially in their concentrated forms.



PART II.

Hygienic Tattooing.

Premises:

General: Tattooist's establishments must be clean and be easily cleanable. Walls and floors shall be washable. A hot and cold wash basin fitted with foot or elbow operated taps is required in the tattooist's working room. The basin shall be cleaned with a suitable cleaning agent at the end of each session. Soap and disposable paper towels must be available and accessible. Hot air hand dryers are also acceptable, but not cotton towels. Lighting must be adequate.

Table top and other surfaces: The table top must have a smooth, impervious surface, such as plastic-laminate, and must be in good repair. It shall be wiped down with hot water and detergent, or spirit or soluble phenolic, between customers, and with hypochlorite or soluble phenolic at the end of each session. A clean paper towel shall cover the table surface for each new customer. Other surfaces and shelves used must also have a smooth, impervious surface, and must be kept clean. Equipment not in immediate use shall be stored in a cabinet.

Personal hygiene:

Good personal hygiene is required. Clean, washable or single service clothing shall be worn. A single-service apron or clean overall is acceptable. Hands must be clean and nails kept short and clean. If the tattooist has a cut or abrasion, or any type of skin infection on his wrist or hand, he must use gloves while tattooing. The use of sterilized surgical gloves or vinyl examination gloves is acceptable. Vinyl examination gloves shall be discarded after one (1) use. Broken skin or infections on other exposed parts of the body, such as the face, shall be kept covered with a waterproof bandage.

Record Keeping:

Records shall be kept on each customer as required in Section 35-2-7(c) and shall consist of the name, address and phone number (if applicable) of the customer, a description of the tattoo performed, date of service and name of tattooist. Records shall be kept for a minimum of one (1) year. Thus, as an example, records for the whole of 1980 shall be retained until the beginning of 1982.

Preparation and Tattooing Operation:

- (a) *Shaving and cleaning of skin:* Tattoos shall not be carried out within six (6) inches of an infected area of skin or skin covered with a rash. The skin to be tattooed shall be wiped over with a cotton swab impregnated with alcohol or an equal disinfectant (see Regulations, Part I, Table I). A disposable razor, used once for each customer, is recommended. If a metal razor is used, the safety type is recommended; the blade shall be used for one (1) client only, then thrown away. The razor holder shall then be autoclaved. A straight type razor, if used, shall be cleaned and sterilized or disinfected after each use.
- (b) *Petroleum jelly B.P. or petrolatum:* If the area to be tattooed is covered with petrolatum, it shall not be taken from a jar with fingers. Petrolatum in tubes is acceptable. An autoclaved metal syringe (e.g. ear syringe as used as doctors) may be filled with petrolatum using a disposable wooden or plastic spatula, or autoclaved metal spatula. A disposable presterilized syringe is an acceptable alternative if it is discarded after one (1) filling. The amount required is dispensed and smeared over the area with a dry disposable (wooden or plastic) spatula



used once only, not with the bare hands. As an alternative, petrolatum may be dispensed onto a piece of sterilized gauze, and the gauze used to smear it over the customer's skin. A sterile lubricating jelly (e.g. KY Jelly) may also be used instead of petrolatum. As it is available in a tube, there would be no need for the stainless steel syringe. The procedure for its use should be similar to that for the petrolatum in the syringe, and the opening of the tube shall not be allowed to touch the customer's skin.

(c) *Preparation and use of tattoo equipment:*

- (1) If resterilized stainless steel needles are used, they must be ultrasonically cleaned and autoclaved (see No. (3) and No. (4) below) between clients. Chromium-plated needles, if used, shall be used once only and then discarded.
- (2) The estimated number of needles needed for one (1) day should be soldered on to the stainless steel rods in advance of a day's work with lead-free solder.
- (3) The rods and needles shall be placed in a disposable container and treated ultrasonically to remove flux residue, dust and any organic matter. The disposable container shall contain alcohol (70%) or hot water and detergent, and be disposed of after one (1) use.
- (4) Needles and needle bars shall then be sterilized in an autoclave by saturated steam at one hundred thirty-four (134) degrees Celsius for minimum of five (5) minutes.
- (5) Under no circumstances shall needles, or any instrument to be autoclaved, be coated with petrolatum, lubricating jelly, glycerine, oil or grease before being autoclaved.
- (6) Needles shall not be tested on the tattooist's skin before use on a client.
- (7) The "tubes" -i.e. the holders for the stainless steel needle bars - shall also be sterilized in the autoclave, together with forceps, metal syringes, and other instruments.
- (8) The "motors" or frames cannot be sterilized and they must be damp-wiped with alcohol (70%), or with freshly made-up 1.5% solution of clear soluble phenolic (carbolic acid), or with activated aqueous glutaraldehyde (e.g. Cidex).
- (9) After being sterilized, needles and bars should be left in the closed autoclave until they are to be used. Some may be fixed to tubes and motors in readiness, but the needle ends must then be stored in wide-bore empty tubes, so that the needles do not touch the sides. Once a needle has been used on a customer, it shall not be placed in these tubes. These tubes shall be sterilized every day.
- (10) Sterile forceps shall be used for handling sterile needles and bars. These shall be resterilized in the autoclave with each new batch of needles.

(d) *Use of pigment:* Because needles are repeatedly dipped into pigments during tattooing, virus from blood and serum may contaminate these pigments. Fresh pigments in fresh or sterile containers shall be used for each customer.

- (1) Put as much of each pigment as is likely to be needed for one (1) customer into clean capsules.
- (2) Disposable capsules for dyes shall be used, one (1) set for each customer. Nondisposable containers are not permitted unless they are ultrasonically cleaned and sterilized after each customer.



- (3) Pigment capsules should be firmly placed in holders while in use, to avoid the possibility of spillage. They should be cleaned with alcohol or activated glutyaldehyde between clients and autoclaved between sessions.

After Care:

(e) *Cleansing and disposal of equipment:*

- (1) *Needles:* After each customer is tattooed, the needle bars must be disengaged, with the tubes, from the machine and placed in an autoclave dish (e.g., stainless steel kidney dish). At end of session, the needle is "burned off" by flaming from the point to the soldered junctions and, unless resterilized needles are used, the needles are to be disposed of properly. Reusable needles must be used once only before being cleaned and autoclaved. The needle bars must be cleaned ultrasonically, as before, then resterilized in the autoclave. Ultrasonic treatment alone is not effective. All used needles shall be disinfected before discarding, either by flaming, autoclaving or boiling; as an alternative, they may be placed in a fresh solution of hypochlorite (see Regulations Part I) for thirty (30) minutes before disposal.
 - (2) *Pigment capsules:* The pigment capsules must be disposed of after each customer.
 - (3) *Capsule holders and forceps:* These must be autoclaved between sessions.
 - (4) *Holding tubes for motors:* These must be autoclaved between sessions.
- (f) *Care of skin after tattooing:* The tattooed area shall be covered with sterile non-stick bandage which is then taped to the skin; this permits ventilation and aids healing. Antibiotic or antiseptic creams shall not be used except under a doctor's supervision when infection has occurred.

Disposal:

All waste matter, other than needles and including capsules, paper towels and tissue, shall be collected in a sealable leak-proof plastic bag or box and incinerated or autoclaved before disposal. Needles shall be disposed of in accordance with the applicable part of the Fairfax County Code.



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Fairfax County Health Department
10777 Main Street, Suite 203
Fairfax, VA 22030

www.fairfaxcounty.gov/hd/eh

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