

2024-002104

KATHY D. FOY, RECORDER
GRANT COUNTY, INDIANA
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TATTOO AND BODY PIERCING ORDINANCE OF GRANT COUNTY 2024- 6

WHEREAS Grant County desires to establish an Ordinance pertaining to (1) regulating establishments providing tattoos and/or body piercings and artists administering tattoos and/or performing body piercings, (2) providing the issuance of licenses thereof, (3) inspection of establishments, regulation of artists/piercers and (4) providing penalties for the violation thereof.

WHEREAS The provisions of Grant County Tattoo & Body Piercing Ordinance 2012-001 are hereby superseded by this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Grant County, State of Indiana, that:

SECTION A: TITLE

This ordinance and all ordinances supplemental or amendatory hereto shall be known as the Tattoo and Body Piercing Ordinance of Grant County, Indiana and may be cited as such and will be referred to herein as "this ordinance".

SECTION B: PURPOSE

The purpose of this ordinance is to safeguard public health and assure that tattoo/body piercing establishments and/or tattoo artists/body piercers limit the public health risk to patrons. It provides for the sanitary operation of tattoo/body piercing establishments, temporary tattoo/body piercing establishments, and sets requirements for tattoo artists/body piercers.

SECTION C: AUTHORITY

The Grant County Health Department and its representative(s) are hereby authorized to issue Tattoo and Body Piercing Establishment Licenses, Tattoo Artist/Body Piercer Licenses, collect license fees and penalties, perform inspections, investigate complaints, hold hearings, order or otherwise compel correction of violations of this ordinance, verify compliance with the Occupational Safety and Health Administration's (OSHA) Blood borne Pathogen Standard, and are otherwise authorized to perform all actions necessary for the administration and enforcement of this ordinance.

SECTION D: ADOPTION OF REGULATIONS BY REFERENCE

All requirements set forth in 410 IAC 1-5 and IC 35-42-21-4 and any amendments made to said provisions hereafter are hereby incorporated by reference.

SECTION E: DEFINITIONS

Bloodborne pathogens - Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to:

- A. HBV (Hepatitis B Virus)
- B. HCV (Hepatitis C Virus)
- C. HIV (Human Immunodeficiency Virus)

Contaminated - the presence or reasonable anticipated presence of blood or OPIM on an item or surface.

Facility - the meaning set forth in 410 IAC 1-3-7.5 and for the purposes of this ordinance shall also include Temporary Tattoo and Body Piercing Facilities.

Health Officer - appointed Grant County Health Officer as set forth in IC 16-20-2-16. The Grant County Health Officer or his/her authorized representative(s) must enforce this ordinance.

Infectious waste - waste that epidemiological evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to:

- A. Contaminated sharps or contaminated objects that could become contaminated sharps.
- B. Other waste that has been intermingled with infectious waste.

Minor - any individuals who are less than 18 years old.

Operator- any person who controls, operates, manages, or owns any facility.

OPIM – other potentially infectious materials

Sterilize - using physical/ chemical procedure to destroy any microbial life, including resistant bacterial endospores.

Tattoo - Any design, letter, scroll figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll figure, symbol or other mark that is done by scarring under the skin.

Tattoo artist - any person who provides a tattoo to any individual in which needles or other objects are inserted for temporary or permanent placement.

Tattoo operator - person who controls, operates, conducts, manages, or owns any tattoo establishment.

Tattoo and Body Piercing establishment - room or space where tattoo artist(s) tattoo individuals or where tattoo activities take place and/or room or space where piercers perform body piercings or where piercing activities take place.

Tattoo/Body Piercing Station – a chair, bench or table used with the sole purpose of client/recipient sitting, leaning, or laying during the administration of a tattoo and/or body piercing.

Piercer – any person who punctures the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body.

Violation Repeat Inspection Fee- a fee issued by the department for consistent repeat of a violation beyond the specified correction deadline.

SECTION F: OPERATOR RESPONSIBILITIES AND TRAINING PROVIDED

- A. The tattoo/piercing facility operator is required to notify the Grant County Health Department of any changes to ownership and/or any new employment of licensed tattoo artists within 7 business days. Facility operator is to ensure all tattoo artists/body piercers have a current license issued by the Grant County Health Department. Licenses are nontransferable from establishment to establishment.
- B. Operator must retain copies of the following record for a minimum of 2 (two) years:
 - a. Valid Photo ID with patron name
 - b. Patron's address
 - c. Patron's age
 - d. Date of tattoo or body piercing
 - e. Design and location of tattoo or body piercing
 - f. Name of artist who performed tattoo/body piercing
 - g. All jewelry used
 - h. Minor consent form containing:
 - i. Parent or legal guardian (must provide their ID) name and signature
 - ii. Documented 2 forms of current minor identification: example- school ID, state ID, birth certificate, passport.
 - iii. Signed document attesting joint or sole legal custody of the minor child. Attesting parent or legal guardian must be present when any procedure is performed on said minor.
- C. Patron rights shall be displayed.
- D. Facility operator is responsible to assure no drugs or alcohol are consumed or allowed in the facility.
- E. Operator is responsible to make sure Indiana Occupational Training is provided to all tattoo artists, and body piercers, anyone employed by the facility, or anyone acting on behalf of the facility (anyone who can be in contact with blood or OPIM).
- F. Operator is responsible for all training in the handling of infectious waste.

SECTION G: TATTOO ARTIST/ BODY PIERCER RESPONSIBILITIES/PATRON RECORDS

- A. Each artist/operator must provide the following documentation to the Grant County Health Department:
 - a. Completion of Hep B vaccinations
 - b. Current/up to date Bloodborne Pathogen Certificate
- B. Each artist/operator must practice industry standard personal hygiene.
- C. Each artist/operator must follow/practice CDC guidelines for sickness and illness.
- D. Each artist/operator must:
 - a. Possess a valid license- must be posted in public view.
 - b. Possess a Bloodborne Completion Certificate – must be posted in public view.
 - c. Provide written aftercare instructions to all.

- d. If the recipient is a minor- artist/operator must provide verbal **and** written aftercare instructions to both parent and minor.

SECTION H: TATTOOING/PIERCING EQUIPMENT

- A. Razors shall be single use only.
- B. Stencils shall be disposed of after single use.
- C. All supplies used in the process of a tattoo or body piercing must be disposed of after a single use.
- D. Gloves must be disposable, single use only. Gloves must not be reused.
- E. Needles & Jewelry
 - a. Needles shall be individually packaged, not expired, and sterilized prior to use.
 - b. Needles shall be single use only.
 - c. Needles shall be discarded in sharps containers immediately after use.
 - d. Used needles shall not be bent or broken or otherwise manipulated by hand.
 - e. All jewelry, piercing needles, and tattoo needles are to be sterilized and kept in an individual, sterile, closed container or package with a date of sterilization and/or manufacturers expiration date.
- F. Reusable Equipment
 - a. Autoclave usage – Spore test must be done monthly and submitted via email to the Grant County Health Department no later than the 1st of every month. If spore testing fails, it must be corrected immediately. Failure to submit the test results by the 1st day of every month will result in corrective action/fine per Grant County Health Department Fee Ordinance.
 - b. All reusable equipment is to be kept in an individual, sterile, closed container with the date of sterilization and/or manufacturers expiration date.
 - c. Heating procedures capable of sterilization must be used to sterilize heat stable, non-disposable equipment.
 - d. Records must be maintained to document the following:
 - i. Duration of sterilization technique;
 - ii. Determination of effective sterility, such as use of a biological indicator, is performed monthly and
 - iii. Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendation is reviewed monthly.
- G. Reusable contaminated equipment must be:
 - a. Placed in a puncture-resistant container with closeable lid.
 - b. Biohazard symbol placed on container.
 - c. Leakproof
 - d. Stored in a manner to where you do not have to reach in container where the equipment is being held until it is clean and sterilized.
- H. Dyes or Pigments
 - a. All dyes or pigments for tattooing shall be obtained from professional suppliers specifically providing dyes or pigments for the tattooing of human skin with visible expiration dates.

- b. In preparing dyes or pigments to be used by tattoo artist, only non-toxic sterile materials shall be used. Single use or individual portions of dyes or pigments in clean, sterilized containers shall be used for each patron.
- c. After tattooing, any remaining unused dye or pigment in single use or individual containers shall be discarded along with the container.

SECTION I: WORK ENVIRONMENT

- A. All tattoo and body piercing areas shall be separated from waiting patrons or observers by a non-absorbent panel, a door, or by a minimum of ten-foot distance. If, however, the patron is a minor, then the parent/legal guardian must be present during the procedure. If the facility allows it, the patron may sign a written consent allowing an observer to watch the procedure without space restrictions.
- B. All tattoo and body piercing stations shall be separated by a distance of no less than 10 feet and/or a panel or divider no less than 4 feet in height which is constructed of a material that is smooth, nonabsorbent, and easily cleanable.
- C. Hand washing facilities must be accessible in the same room where tattooing or body piercing is being provided. Hand sink with (running) water temperature of at least 100 degrees Fahrenheit, liquid soap, single use towels, and waste receptacle must be located near sink. Hand washing facility must be accessible without passing through any doorway or going through any barrier.
- D. All walls and floors near equipment used for tattooing and body piercing activities shall be smooth, nonabsorbent, and easily cleanable surfaces and be kept maintained. No rips/tears allowed in any of the material.
- E. No tattooing or body piercing shall take place in any room used as living quarters or in any room that opens directly in to living or sleeping quarters.
- F. No live animals allowed in any workspace where tattooing or body piercing is being conducted. This does not apply to the following.
 - a. Patrol dogs accompanying any security or law enforcement.
 - b. Guide dogs accompanying any of the following: blind, partially blind, physically disabled, guide dog trainers, or any impaired hearing persons.
- G. No eating, drinking, or smoking in any work areas where contact with blood or OPIM can occur.
- H. All Equipment and environmental surfaces shall be cleaned and disinfected after contact with blood or OPIM.
- I. All work surfaces shall be nonabsorbent, easily cleanable, smooth, and free from the following: breaks, open seams, cracks, chips, pits or any similar imperfections.
- J. Disinfectants shall be hospital grade (EPA) registered disinfectant or sodium hypochlorite.

SECTION J: INFECTIOUS WASTE CONTAINMENT/TREATMENT

- A. Contaminated disposable needles or any instruments shall be stored in leak-resistant, puncture-resistant containers, sealed to prevent expulsion, labeled with the biohazard symbol, and treated in accordance with this rule prior to being stored in an unsecured area and sent for final disposal.

- B. Any infectious waste that is not contaminated sharps or objects that could become contaminated sharps shall be placed in containers that meet the following:
 - a. Labeled with biohazard symbol.
 - b. Strength and thickness to prevent leakage.
- C. If infectious waste is stored on premises before final disposal, all persons subject to this rule shall store in a secure area that:
 - a. Is locked or secured to eliminate access or exposure to all general public.
 - b. Labeled with biohazard symbol.
- D. All operators shall ensure that infectious waste is either treated on-site in accordance with this rule or transported off-site for treatment in accordance with this rule.

SECTION K: LICENSE

A. ESTABLISHMENT

Each operation shall obtain a license from the Grant County Health Department. The license must include:

- a) Establishment name and address
- b) Owner name and address

The cost of this license is established per the Grant County Health Department Fee Ordinance and shall be non-transferable. This license expires on December 31st of each calendar year. Any holder of a license shall be subject to inspection as set forth in this ordinance. The Grant County Health Department must provide all appropriate forms for this license. This license must be posted at the facility in a place viewable to all public guests. Failure to obtain said license prior to opening of a facility or failure to renew the Establishment License prior December 31st of the calendar year (while continuing operations) will result in a penalty per the Grant County Health Department Fee Ordinance.

B. TATTOO ARTIST/ BODY PIERCER

Every person who desires to perform any tattoo or body piercing activities shall obtain a Tattoo/ Body Piercer License from the Grant County Health Department. No person shall tattoo, or body pierce another person, use, or assume the title of tattooist or body piercer unless he or she has first obtained a license from the Grant County Health Department. The cost of said license will be set per the Grant County Health Department Fee Ordinance and shall not be transferable. This license expires on December 31st of each calendar year. Any holder of a license shall be subject to inspection as set forth in this ordinance. The Grant County Health Department must provide all appropriate forms for this license. This license must be posted at the facility in a place viewable to all public guests. Failure to obtain said license prior to applying tattoos and/or performing body piercings will result in a penalty per the Grant County Health Department Fee Ordinance. Furthermore, failure to renew said license prior to applying tattoos and/or performing body piercings each calendar year will result in a penalty per the Grant County Health Department Fee Ordinance.

C. OWNER/OPERATOR

In the event a Tattoo and Body Piercing facility is a sole proprietorship, and the owner shall also perform tattooing or body piercing for their business, the owner shall only be required to obtain an establishment license as said in this SECTION.

D. GUEST/ TEMPORARY TATTOO ARTIST OR BODY PIERCER

Any person that desires to tattoo/ body pierce in Grant County on a temporary basis must obtain a Guest license. This license requires an application and fee set per Grant County Health Department. This license must be obtained before any tattoo or body piercing is affixed to any person. Proper documents stated in the ordinance must be shown before a license is granted. This license will expire 14 days after issued. This license must be posted for all public to view. Anyone with this license is subject to inspection by Grant County Health Department.

SECTION L: FEES

License fees under this ordinance shall be set by the Grant County Health Department Fee Ordinance.

SECTION M: INSPECTIONS

The Grant County Health Department shall conduct inspections of every tattoo/body piercing facility located in Grant County, Indiana. The Grant County Health Department shall conduct a minimum of 3 inspections per year. Additional inspections may be conducted. The results of inspections shall be provided to each operator. Violations noted by the Grant County Health Department shall be corrected immediately. The Department shall conduct follow-up inspections to determine compliance with this ordinance.

SECTION N: PROCEDURES WHEN VIOLATIONS ARE NOTED

If, during the inspection of any facility, the Health Officer or his/her authorized representative(s), any violations to this ordinance are found, he/she must issue a written report listing all violations and the remedial actions to be taken, along with a specified time frame. A copy of the report must be kept on file at the department and a copy provided to the facility.

Violations documented by the department will be assigned a timeframe for correction. If documented violations persist beyond the assigned timeframe given by the department, a penalty per the Grant County Health Department Fee Ordinance shall be imposed. Each day after the deadline is considered a separate offense and will be fined accordingly.

Violations not remedied by the deadline may also result in closure of the facility resulting in an additional fine to reopen facility.

SECTION O: LICENSE SUSPENSION/ REVOCATION

The Health Officer or his/her authorized representative(s) may order the suspension or revocation of any license issued for a facility, which order shall include the prohibition of any further operation for the following reasons:

- A. Interference with the Health Officer, or his/her authorized representatives, in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering, or

blocking the Health Officer or his/her authorized representative(s) in the performance of his/ her duties.

- B. As a result of the willful and/or continuous violation of any provision of this Ordinance.

SECTION P: OTHER LICENSE REVOCATION, SUSPENSION, AND IMMEDIATE CLOSURE ORDERS

Notwithstanding the provisions of the Ordinance, whenever the Health Officer or his/her authorized representative(s) find unsanitary or other conditions, involving the operation of any facility which, in his /her reasonable belief, constitute an imminent health hazard, he/she shall without notice or hearing, issue and serve a written order upon the licensee requiring the immediate closure of its operations, shall cite the existence of said unsanitary conditions and shall specify the corrective action to be taken.

- A. Such order shall be effective immediately.
- B. Upon written request to the Health Officer, the licensee shall be afforded a hearing within 5 business days.
- C. The Health Officer or his/her authorized representative(s) shall conduct a re-inspection upon the request of the licensee at a time agreed upon with the department. When the Health Officer or his/her authorized representative(s) determines that the necessary corrective action(s) have been taken, re-opening fees set per Grant County Health Department Fee Ordinance will be imposed and operation of the facility may be resumed.

SECTION Q: HEARINGS

Hearings shall be held upon request, with at least 5 days written notice to the licensee. The request for hearing shall be served upon the licensee by leaving, or mailing by Certified Mail, the notice to the address listed on the license and addressed to the attention of the Health Officer.

At any hearing required under this Ordinance, the Hearing Officer shall be the Health Officer or his/her authorized representative(s). Every person who is a party to such proceeding shall have the right to submit evidence, to cross-examine witnesses and to be represented by legal counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial, or unduly repetitive evidence may be excluded.

Upon the conclusion of such hearing the Hearing Officer shall enter a final order, subject to the right of appeal in this Ordinance.

SECTION R: APPEALS

Any licensee aggrieved by any final order of the Health Officer shall be entitled to seek judicial review.

SECTION S: ENFORCEMENT

It shall be the duty of the Health Officer or his/her authorized representative(s) to enforce the provisions of this Ordinance. Any license issued in conflict with the provisions of the Ordinance shall be null and void. A violation of an order issued by the Health Officer or his/her authorized representative(s) shall be considered to be a violation of this Ordinance.

SECTION T: VIOLATIONS – LEGAL REMEDIES

Whenever the Health Officer or his/her authorized representative(s) determines that any facility, or any other person, is in willful violation of any of the provisions of this Ordinance, the Health Officer or his/her authorized representative(s) shall furnish evidence of said willful violation to the attorney for the Board who shall seek all appropriate legal remedies against the person(s) violating said provisions of this Ordinance.

Any person tattooing/ piercing in a place not licensed by the Grant County Health Department, who also does not have a license, will face legal action. A cease-and-desist order will be placed on any establishment and/or tattoo artist/body piercer who does not follow the proper channels set forth in this ordinance to perform tattoos and/or body piercing(s).

SECTION U: COMPLIANCE AND ENFORCEMENT

Any person who willfully violates any of the provisions of this Ordinance will be fined per Grant County Health Department Fee Ordinance for each violation. Each day of the existence of any violation of this Ordinance shall be considered a separate offense.

SECTION V: INJUNCTION

The Health Officer may bring an action for an injunction in the Circuit or Superior Court of Grant County, Indiana, to restrain any person from violating the provisions of this Ordinance, to cause such violation(s) to be prevented, abated or removed.

SECTION W: COMPLIANCE and ENFORCEMENT

Any person who willfully violates any of the provisions of this Ordinance shall be subject to the Grant County Department of Health for the expense, loss or damage occasioned by reason for such violation, including reasonable attorney's fees and costs.


SECTION X: SEVERABILITY

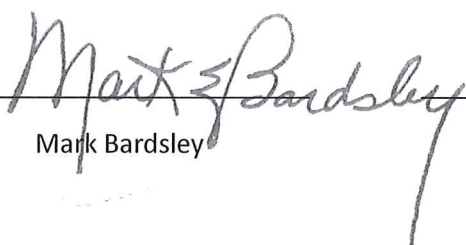
Invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance.


SECTION Y: EFFECTIVE DATE

This Ordinance shall apply to all Grant County, Indiana, after its adoption and approval by the Commissioners as stated herein and any publication as required law and shall be effective July 1, 2024.

Passed and adopted by the Commissioners of Grant County, State of Indiana, on this 1ST day of APRIL, 2024.


Ron Stewart


Mark Bardsley


Steve Wright

This document prepared by David Glickfield.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

