

# LAPORTE COUNTY



## TATTOO & BODY PIERCING ORDINANCE 2011-07



**Ordinance No. 2011-07**

**OF THE BOARD OF COMMISSIONERS  
OF LAPORTE COUNTY, INDIANA**

**Whereas**, the Indiana State Department of Health has promulgated a rule requiring local health departments to enforce sanitary requirement with respect to Tattoo and Body Piercing as defined and referenced in Rule 410 IAC 1-5, and the Indiana Occupational Safety and Health Administration Blood borne Pathogens Standard 29 CFR 1910.1030.

**NOW THEREFORE**, be it ordained that:

Section 1, A new article shall be added to Title IX to read as follows:

**Chapter \_\_\_\_\_  
Tattoo and Body Piercing Inspection Ordinance**

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**1. Definitions**

- a. **Applicant**— any person applying for a permit under this ordinance, whether for a new, temporary, or renewal permit.
- b. **Apprentice** - a person learning the trade of tattooing or body piercing.
- c. **Board of Health** – the LaPorte County Board of Health
- d. **Blood** - human blood.
- e. **Bloodborne pathogens** - pathogenic microorganisms that are present in human blood and can cause disease in humans. These include but are not limited to:
  - a. Hepatitis B virus (HBV)
  - b. Hepatitis C virus (HCV)
  - c. Human immunodeficiency virus (HIV)
- f. **Body piercer** - any person who performs body piercing on an individual.
- g. **Body piercing** - the perforation of any human body part for the purpose of inserting jewelry or other decoration or for some other non-medical purpose.
- h. **Cleaned** - removal of all visible dust, soil, or any other foreign material.

- i. **Client** - any individual receiving services regulated by this ordinance.
- j. **Contaminated** - the presence or reasonably anticipated presence of blood or Other Potentially Infectious Materials (OPIM) on an item or surface.
- k. **Decontaminated** - the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.
- l. **Facility** - any room or space where tattooing or body piercing, or both, is provided or where the business of tattooing or body piercing, or both, is conducted.
- m. **Health Department** - the LaPorte County Health Department.
- n. **Health Officer** - the LaPorte County Health Officer or his/her duly authorized representative.
- o. **HBV** - the hepatitis B virus.
- p. **HCV** - the hepatitis C virus.
- q. **High-level disinfection** - a process that destroys all microorganisms with the exception of high numbers of bacterial spores.
- r. **HIV** - the human immunodeficiency virus.
- s. **Imminent health hazard** - any circumstance or situation, which in the opinion of the Health Officer presents a serious health risk to the public.
- t. **Infectious waste** - the waste that epidemiological evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:
  1. Contaminated sharps or contaminated objects that could potentially become contaminated sharps.
  2. Infectious biological cultures, infectious associated biologicals, and infectious agent stock.
  3. Pathological waste.
  4. Blood and blood products in liquid and semi-liquid form.
  5. Carcasses, body parts, blood and body fluids in liquid and semi-liquid form, and bedding of laboratory animals.
  6. Other waste that has been intermingled with infectious waste.
- u. **Intermediate level disinfection** - a process that inactivates:

1. Mycobacterium tuberculosis;
  2. Vegetative bacteria;
  3. Most viruses, and
  4. Most fungi; but does not necessarily kill bacterial spores.
- v. Inspection** - a complete review of all portions of the tattoo and body piercing establishment and any other portion of the establishment deemed necessary by the Health Department.
- w. Mobile facility** – any facility capable of being moved intact from location to location to perform tattooing or body piercing.
- x. Business Operator** - any person in control of, or having responsibility for, the operation of a facility subject to this ordinance.
- y. Other potentially infectious material or “OPIM”**- means the following:
1. Human body fluids are as follows:
    - a. Semen.
    - b. Vaginal secretions.
    - c. Cerebrospinal fluid.
    - d. Synovial fluid.
    - e. Pleural fluid.
    - f. Pericardial fluid.
    - g. Peritoneal fluid.
    - h. Amniotic fluid.
    - i. Saliva in dental procedures.
    - j. Any body fluid that is visibly contaminated with blood.
    - k. All body fluids where it is difficult or impossible to differentiate between body fluids.
  2. Any fixed tissue or organ, other than intact skin, from a human, living or dead.
  3. HIV- containing cell or tissue cultures, and HIV or HBV –containing culture medium or other solutions, and blood, organs, or other tissues from experimental animals infected with HIV or HBV.
- z. Parenteral** - piercing the mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, or abrasions.
- aa. Practitioner** - any person who performs body piercing or tattooing on the human body.
- bb. Personal protective equipment or “PPE”** – means specialized clothing or equipment worn for protection against contact with blood or OPIM.
- cc. Secure area** - an area that is designated and maintained to prevent the entry of unauthorized persons.

**dd. Semi liquid blood, blood products** - blood and blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

**ee. Sharps** - any object that can penetrate the skin.

**ff. Sterilize** - the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

**gg. Store** - the containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

**hh. Tattoo** - means

1. Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments upon or under the skin.
2. Any design, letter, scroll, figure, or symbol done by scarring upon or under the skin.

**ii. Tattoo artist** - any person who provides a tattoo to an individual.

**jj. Temporary practitioner** - any person who obtains a permit that will expire thirty-one (31) days after the date of issue.

**kk. Universal precautions** - an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other bloodborne pathogens.

## 2. Permit Requirements

1. Any person who wishes to perform any of the services regulated by this article must provide proof that they are competent to perform these services without causing harm or disease to their clients.

## 3. Application for Tattoo & Body Piercing Facility, Mobile Facility

1. Application shall include:
  - a. The legal name of the facility.
  - b. The present address and telephone number of the facility.
  - c. Proof that all Indiana Occupational Safety and Health Administration guidelines are met.
  - d. The applicant's business or employment history for three (3) years immediately preceding the date of application, including, but not limited to, whether such person previously operating under a permit or license in another city/state has had such license suspended or revoked.
  - e. Provide documentation that location of the business is properly zoned by the proper governmental agency in which the business is located.

#### **4. Application for Practitioner's, Temporary Practitioner's and Apprentice**

1. Application shall include:
  - a. The legal name of the applicant.
  - b. The current address of the applicant.
  - c. A copy of the applicant's drivers license.
  - d. Provide proof that the applicant is at least 21 years of age by a certified birth certificate.
  - e. Must provide a copy of a high school diploma or GED.
  - f. Provide documentation of all training relevant to the type of work regulated by this Ordinance.
  - g. Provide documentation of all professional certification, associations, or memberships relevant to any service regulated by this Ordinance.
  - h. Provide a listing of all work experience including dates, addresses, telephone numbers, and supervisor's names.
  - i. A statement from a licensed medical physician dated within thirty (30) days preceding the date of application stating that the applicant is free of any communicable disease.

#### **5. Inspections**

1. It shall be the duty of the Health Department to inspect tattoo and body piercing facilities annually at a minimum to determine compliance with this ordinance.
2. Inspections are to made at reasonable times with due regard to the nature of the business to be inspected.

#### **6. Permit Requirements for Facilities and Practitioners**

1. Permit-It shall be unlawful for any person to operate a tattoo/body piercing facility in LaPorte County, Indiana without a valid permit from the Health Officer. Such a permit shall be posted in a conspicuous place on the premises of the permitted facility. Only persons who have met the applicable provisions of this ordinance shall be entitled to receive and retain such a permit. The permit for a facility/practitioner shall be valid for a term of one (1) year, to be renewed annually on or prior to the last day of February.
2. Permit Fees-All facility/practitioners shall pay a permit and inspection fee as prescribed by the LaPorte County Board of Commissioners, which shall be paid to the LaPorte County Health Department at the time of application. All permit fees shall be payable on or before the last day of February. Any establishment that fails to remit payment for an annual permit by the due date shall be assessed a penalty of 50% of the permit fee for each day payment is not received.

3. Mobile Facilities
  - a. The permit holder must notify the LaPorte County Health Department seventy-two (72) hours in advance of the event.
4. Temporary Practitioner Permit
  - a. The permit shall expire thirty-one (31) days after date issued.
5. Apprentice Permit
  - a. This person must be at least eighteen (18) years of age, and must prove this by a certified birth certificate.
  - b. The permittee must practice under the authority of a LaPorte County Health Department permit holder who serves as the apprentice's mentor and has a valid LaPorte County Health Department Body Piercing & Tattoo permit.
  - c. The mentor's name shall be included on the application with the mentor's signature and a copy of their permit.
  - d. The apprentice shall only practice in the presence of their mentor.

## **7. Work Environment Requirements for Facilities and Practitioner's**

1. Hand-washing:
  - a. Hand-washing facilities shall be readily accessible where tattooing or body piercing, or both, is provided.
  - b. Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.
  - c. Only single-use towels shall be used.
2. Work Environment:
  - a. No tattooing or body piercing shall be conducted in any room used as living quarters or in any room that opens into living quarters.
  - b. Live animals shall be excluded from areas where tattooing or body piercing is being conducted. The exclusion does not apply to the following:
    1. Patrol dogs accompanying security or police dogs.
    2. Guide dogs accompanying the following:
      - ❖ Blind persons
      - ❖ Partially blind persons
      - ❖ Physically disabled persons
      - ❖ Guide dog trainers
      - ❖ Persons with impaired hearing
  - c. Eating, drinking, smoking, applying cosmetics, or handling contact lenses shall not be allowed in work areas where there is likelihood of exposure to blood or OPIM.
  - d. Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.



- e. All equipment and environmental surfaces shall be cleaned and disinfected after contact with blood or OPIM.
- f. Environmental surfaces and equipment not requiring sterilization that has been contaminated by blood shall be cleaned and disinfected.
- g. All work surfaces shall be:
  - 1. Nonabsorbent;
  - 2. Easily cleanable
  - 3. Smooth and free of:
    - ❖ Breaks
    - ❖ Open seams
    - ❖ Cracks
    - ❖ Chips
    - ❖ Pits and similar imperfections
- h. Disinfectant solution shall be a hospital grade, five-tenths (0.5%) concentration, by volume (a common household bleach is ten percent (10%) concentration in water); the solution shall be dated and not be used if it is more than twenty-four (24) hours old.

3. Reusable equipment:

- a. Heating procedures capable of sterilization must be used when heat stable, non-disposable equipment is sterilized.
- b. Equipment that is to be sterilized shall be put in single use packaging.
- c. Records must be maintained to document the following:
  - 1. Duration of sterilization technique.
  - 2. Determination of effective sterility, such as use of a biological indicator, is performed monthly.
  - 3. Equipment is maintained as recommended by the owner's manual, and proof is available that the owner's manual recommendations are reviewed monthly.
- d. Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the container where these sharp items have been placed.
- e. Reusable contaminated equipment shall be:
  - 1. Placed in puncture resistant containers;
  - 2. Labeled with the biohazard symbol;
  - 3. Leak proof on both sides and bottoms; and
  - 4. Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization or disinfection.
- f. Reusable contaminated equipment shall be effectively cleaned prior to sterilization or disinfection.
- g. Any reusable contaminated equipment that comes into direct contact, or is likely to come into direct contact with an instrument that penetrates the skin other than a piercing gun, shall be effectively cleaned and sterilized prior to use.

- h. All sterilized equipment shall not be removed from wrappers or sterilized packaging until immediately prior to use.
- i. Any reusable equipment that comes into contact with mucous membranes shall be effectively cleaned and sterilized prior to use.
- j. Piercing guns shall be cleaned and undergo, at a minimum, high level disinfection after each use and whenever visibly contaminated.
- k. All reusable equipment that has contact with intact skin shall undergo, at a minimum, intermediate level disinfection.
- l. All other equipment used during the tattooing or body piercing procedure shall be single use, including corks.
- m. All body piercers and tattoo artists shall comply with all other equipment manufacturer recommendation.

4. Patron Records:

- a. Records of each person shall be maintained by the operator for two (2) years. The record shall include the following, but not be limited to:
  - 1. Patron's name.
  - 2. Address.
  - 3. Age.
  - 4. Date tattooed or body pierced.
  - 5. Design of tattoo.
  - 6. Location of the tattoo or body piercing on the patron's body.
  - 7. The name of the tattoo artist or body piercer who performed the work.
  - 8. Jewelry or other decoration used.

**8. Operational Requirements for Facilities and Practitioner's**

- 1. Appropriate personal protective equipment shall be worn as follows:
  - a. A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.
  - b. Masks in combination with eye protection devices such as goggle or glasses with solid side shield or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.
  - c. Disposable gloves, such as surgical or examination type, shall be worn during the tattooing or body piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo or body piercing, when the gloves becomes torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

- d. Gloves shall be worn when decontaminating environmental surfaces and equipment.
2. Tattooing Equipment:
- a. Only single-use razors shall be used.
  - b. All stencils shall be properly disposed of after a single use.
  - c. If the design is drawn directly onto the skin, it shall be applied with a single-use article only.
3. Needles:
- a. Needles shall be individually packaged and sterilized prior to use.
  - b. Needles shall be single-use only.
  - c. Needles shall be discarded in sharps containers immediately after use.
  - d. Contaminated needles shall not be bent or broken or otherwise manipulated by hand.
4. Dyes or pigments or other objects placed under the skin:
- a. All dyes or pigments used in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.
  - b. In preparing dyes or pigments to be used by tattoo artists, only nontoxic, sterile materials shall be used. Single-use or individual portions of dyes or pigment in clean, single-use containers shall be used for each patron.
  - c. After tattooing, the remaining unused dye or pigment in single-use or individual containers shall be discarded along with the container.
  - d. Any object placed under the skin shall be sterile.

## **9. Enforcement**

- 1. If, during the inspection of any Tattoo or Body Piercing establishment the health department discovers the violation of any provision of this ordinance or of 410 IAC 1-5 (or as amended hereafter), he/she shall issue a written report listing such violations.
- 2. A copy of the written order shall be filed in the records of the health department after appropriate review by supervisory personnel.

## **10. Permit Suspension/Closure**

- 1. The Health Officer may order the suspension of any permit issued for Tattoo and Body piercing which order shall include the prohibition of any further tattooing and body piercing for the following reasons:
  - a. Interference with the Health Officer, or his/her authorized representative, in the performance of his/her duties. Interference shall be defined as the process of obstructing, hampering or blocking the health department in the performance of his/her duties.

- b. As a result of the willful and/or continuous violation of any provision of this ordinance or applicable Indiana Administrative Code.
2. Whenever the health department determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, the health department shall give notice to such alleged violation to the person or persons responsible therefore, and to any known agent of such person, as hereinafter provided. Such notice shall:
  - a. Be in written form.
  - b. Include a statement of reasons why it is being issued.
  - c. Allow a reasonable time for the performance of any act it requires.
  - d. Be served upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon him personally, or if a copy thereof is sent by certified mail to his last known address or if a copy thereof is posted in a conspicuous place in or about the facility affected by notice, or if he/she is served with such notice by any other method authorized or required under the laws of this state.
  - e. Such notice must contain an outline of remedial action, which, if taken, will effect compliance with the provisions of the ordinance.

#### **11. Request for a Hearing**

1. Any person affected by any such notice of closure issued by the health department may request and shall be granted a hearing on the matter before said Health Officer or designated hearing officer, provided that such person shall file in the office of the latter within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a statement of the grounds thereof. Upon receipt of such petition, the Health Department shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be heard as soon as practical after the receipt of request thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show cause why compliance with the ordinance should not be met.

#### **12. Penalties**

1. Any person, firm, or corporation who shall violate any provision of this ordinance may be served by the Health Department with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof. Any person, firm or corporation found in violation of that order shall be subject to the penalties set forth in Section 12-2.
2. Any person, firm, or corporation who shall violate any provision of this ordinance shall be subject to penalty as hereinafter prescribed in this Section. On being found to have violated the provisions of this Ordinance, the violator may be subjected to a fine of \$500.00 for the first offense; a fine of up to but not more than \$1,000.00 for the second repeat offense; a fine of up to not more than \$1,500.00 for the third and each subsequent repeat offense, as may be determined and fixed by the Health Officer.

3. Any person violating any of the provisions of this ordinance may become liable to the LaPorte County Health Department for any expense, loss or damage occasioned by reason of such violation.

### **13. Enforcement Interpretation**

1. The health department may initiate any procedures, as the Health Officer deems necessary for proper enforcement and to carry out the purpose and intent of this ordinance.

### **14. Repealer**

1. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.