

CHAPTER 26
HEALTH AND SANITATION
TATTOOING/BODY PIERCING ESTABLISHMENTS

26-101	Definitions
26-102	Permit requirements
26-103	Inspections
26-104	Records required
26-105	Removal of tattoo
26-106	Standards for the operation and maintenance of tattoo establishments
26-107	Right of entry
26-108	Enforcement by private citizens
26-109	Right to appeal
26-110	Penalties
26-111	Application Required

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**CHAPTER 26
HEALTH AND SANITATION
TATTOOING/BODY PIERCING ESTABLISHMENTS**

26-101 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Approved means determined by the health authority to be in compliance with this article.
2. Health Authority means the Bryan County Board of Health and/or the Bryan County Health Director or his authorized representative.
3. Body Piercing means the creation of an opening in an individual's body other than the individuals earlobe, to insert jewelry or other decoration.
4. Body Piercing Studio means a facility in which body piercing is performed.
5. Operating Permit means a written permit issued by the Health Authority to the owner of a tattoo/body piercing establishment and a written permit issued to the individual tattoo artist to perform tattooing under the provisions of this article.
6. Environmentalist means a person authorized to represent the Health Authority in conducting inspections of tattoo establishments.
7. Sanitize means the approved bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for a length of time sufficient to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.
8. Sterilize means the approved bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for a length of time sufficient to eliminate the bacterial count, including pathogens.
9. Tattoo means to mark or color the skin by pricking in color matter so as to form indelible marks or figures or by producing scar tissue.

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10. Tattoo Artist means any person who performs tattooing.

11. Tattoo Establishment means any room or space where tattooing is performed or where the business of tattooing is conducted or any part thereof. The term is synonymous with "tattoo parlor."

12. Tattoo Operator means any person who controls, operates, conducts, or manages any tattoo establishment, whether actually performing tattooing or not.

Bryan County Board of Health refers to the board organized pursuant to this section.

26-102 Permit requirements.

(a) Application. No person shall operate a tattoo establishment or engage in the practice or business of tattooing/body piercing as a tattoo/body piercing operator or as a tattoo/body piercing artist unless such person shall first obtain an operating permit from the health authority. Applications for such operating permit can be obtained from the Environmental Health office, during normal working hours. Applications shall be made in writing, in duplicate, on the form prescribed by the health authority, wherein the applicant shall agree to conform to all laws governing such places now in effect or as subsequently enacted, and to authorize and permit such examination and inspections as may be deemed necessary by the health authority. Completed applications shall be returned to the Environmental Health office during normal working hours.

(b) Minimal Training.

- (1) Tattoo artists/body piercers and their employees must show evidence or current certification and completing of courses in the first two areas prior to receipt of a certificate of registration.
- (2) Basic training in First and advanced CPR as well as proof of attendance at required renewal courses.
- (3) Completion of a course on Prevention of Disease Transmission and Blood borne Pathogens, conducted by an instructor trained and sufficiently knowledgeable to teach this OSHA course. Such knowledge shall include the requirements of standards 29 CFR 19010.1030.

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- (4) Tattoo artist/ body piercer registration shall expire December 31 of each year. The place of business shall meet all other department requirements.
 - (5) Liability insurance for the amount of \$100,000.00
 - (6) Tattoo artist/body piercers must present evidence of at least one year of apprenticeship experience with no history of their piercing causing short or long term health problems. Apprentices must register with the Health Board when beginning the apprenticeship.
- (c) Inspections. Before a permit to operate a tattoo/body piercing establishment is granted, it shall be the duty of the health authority to cause an inspection to be made of the establishment and premises in which the business is to be conducted and to refuse the permit if the condition of the establishment and premises or its equipment shall not conform to the requirements of this article. If the establishment conforms to the requirements, the health authority shall issue the operating permit requested after payment of the applicable fee. An operating permit issued to one person is not transferable to another person or to another location.
- (d) Bryan County Board of Health. It shall be the duty of the Bryan County Board of Health to hear appeals in accordance with the provisions of section 38-74. Applicants will be notified by the Bryan County Board of Health of its decision within seven working days of its quarterly meeting dates.
- (e) Terms and renewal of an operating permit.
- (1) All operating permits issued pursuant to this section shall, unless revoked earlier, expire each calendar year on December 31. The requirements for their renewal shall be the same as for new operating permits, as set forth in this section. Each operating permit may be revoked for violation of this article.
 - (2) The fee schedule for operating permits is as follows: A permit for operation of a tattoo establishment, valid for twelve consecutive months, shall be set by the Bryan County Board of Health. No fee shall be provided.
 - (3) Any tattoo/body piercing parlor already in business at the time of adoption of this tattoo/body piercing ordinance shall comply with all rules and regulations within 30 days of approval of this ordinance.

Adopted: February 6, 2001

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- (f) Public display of operating permit and grade notice. It shall be the duty of the operator or owner of the tattoo establishment to display current operating permits and grade notice in a conspicuous place designated by the health authority.

26-103 Inspections.

- (a) Authorized. It shall be the duty of the health authority to cause unannounced inspections to be made on a recurring basis at least semi-annually of all tattoo/body piercing establishments and their equipment. If the place of business is not maintained, conducted or operated in conformity with the requirements of this article, the health authority may suspend or revoke the operating permit of the establishment until its operation is made to conform to the requirements of this article.
- (b) Revocation of operating permits. Upon inspections, when a tattooing establishment receives a sanitary grade of less than 90 percent more than one time out of four consecutive inspections or receives a sanitary grade of less than 70 percent, immediate revocation of the establishment's operating permit shall be mandatory. Any violations of this article shall be sufficient cause for revocation of an operating permit. No operating permit shall be reissued until the establishment has been reinspected by the health authority and found to be in compliance with this article.
- (c) Reinspections. In the case of establishments that have been closed for failure to comply with this article, a reinspection to consider the reissuance of a permit shall be made within 30 days after a written request for reinspection has been made. A reinspection fee is set by the Bryan County Board of Health.
- (d) Record of inspection. The grading of tattoo/body piercing establishments shall be recorded on an inspection form provided by the health department, a copy of which is a part of this section.

26-104 Records required.

Records for each patron or customer shall be kept and maintained by the operator of each tattoo/body piercing establishment. Records of each client shall be prepared prior to the procedure being performed and shall reflect the client's name and signature, address, proof

Adopted: February 6, 2001

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Donna M. Waters, County Clerk

of age, date tattooed, design, its location and name of the artist. A statement of informed consent by the individual receiving the tattoo must be maintained on file. A copy of procedures signed by the client advising them of proper subsequent care of the tattoo shall be maintained on file. A copy of instruction signed by the client informing them on the risks involved and possible complications that might result from the tattoo procedure must be maintained on file. All records shall be available for inspection upon the request of the health authority. Records shall be maintained a minimum of five years.

26-105 Removal of tattoo.

No tattoo operator or artist shall remove or attempt to remove any tattoo.

26-106 Standards for the operation and maintenance of tattoo establishments.

- (a) Facilities. Facility must be located in area zoned for business. The floors, walls, and ceilings of the establishment shall be constructed of impervious, easily cleanable material, light in color, and shall be at all times maintained in a clean condition. Sufficient and approved toilet, urinal and handwashing facilities shall be convenient and accessible to customers, operators and artists. No part of the tattoo establishment shall be used for domestic purposes.
- (b) Premises. The premises inside and outside shall be kept clean and free of vermin at all times. No animals, except for guide dogs accompanying blind persons, shall be allowed in the tattoo studio. Obsolete articles and other litter shall not be permitted to accumulate on the premises.
- (c) Operating room facilities. Each tattoo/body piercing establishment shall have an operating room, which shall be separate and apart from a waiting room. Patrons or customers shall be tattooed only in the operating room. The operating room shall be equipped with hot and cold running, potable water, together with such sinks and basins as may be necessary. Furniture and furnishings used within the operating room shall be constructed of such materials as to permit proper cleansing with hot or cold disinfecting solutions. Work tables and chairs shall be provided for each tattoo/body piercing artist. Proper ventilation to keep area dry and air circulating. The use of a HEPA ventilator system is highly recommended. No smoking in operating room.

Adopted: February 6, 2001

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- (d) Disinfection of Workplace. Tattoo/body piercing operator must develop and implement a cleaning schedule that includes appropriate methods of decontamination and tasks or procedures to be performed. This schedule must be documented and available for review upon request. The following procedures shall be adhered to:
- (1) Clean and sanitize all equipment and work surfaces with an appropriate disinfectant after completion of tattoo/body piercing procedures and at the end of work shift when surfaces have become contaminated since the last cleaning.
 - (2) Remove and replace protective coverings such as paper sheeting, plastic wrap and aluminum foil after each tattoo procedure.
 - (3) Inspect and decontaminate, on a regular basis, reusable receptacles such as bins, pails, and cans that have likelihood for becoming contaminated.
- (e) Storage of tattooing equipment and materials. Tattoo/body piercing instruments, medicine, accessories, dyes, stencils and other materials used in tattooing that come in contact with the patron or customer shall be stored in closed containers, which shall be maintained in a sanitary condition. Adequate numbers of sterilized needles and tubes must be on hand for each artist for the entire day and night operation. When poisons such as Cidex, etc., are used in a tattoo establishment, separate facilities shall be provided specifically for the storage of these materials.
- (f) Dyes and pigments. All dyes and pigments used in tattooing shall be from professional suppliers specifically providing dyes and/or pigments for the tattooing of human skin. In preparing dyes or pigments to be used by a tattoo artist, only nontoxic, sterile materials shall be used. Single-use or individual portions of dyes or pigments in clean, sterilized individual containers or single-use containers shall be used for each patron. After tattooing, the remaining unused dye or pigment in the single-use or individual containers shall be discarded along with container.
- (g) Regarding Piercers Jewelry.
- (1) Client and piercer should have appropriate size and quality jewelry chosen before the procedure begins.

Adopted: February 6, 2001

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- (2) Only appropriate jewelry should be used in piercing. Appropriate jewelry is made of implant grade, high quality surgical stainless steel (316 E series), solid 14k or 18k gold, niobium) titanium, platinum. Appropriate jewelry has no nicks, scratches, or irregular surfaces which might endanger the tissues.
 - (3) Ear studs or other jewelry designed for earlobe piercing are not appropriate jewelry for other body parts and must not be used by piercers.
- (h) Sterilization. Each tattoo establishment shall be equipped with a sterilizing device approved by the health authority. Used, non-disposable instruments shall be kept in a separate puncture-resistant container until brush-scrubbed in hot water and soap, and then sterilized by autoclaving. Autoclaves must be tested monthly by independent laboratories to ensure they are working adequately. Records shall be maintained for two (2) years.

The following procedures should be followed during the sterilization process:

- (1) Prior to being placed in the autoclave, all equipment shall be bagged, dated, and sealed.
- (2) Each autoclave bag may hold no more than one liner and shader tube with needle and bar inserted into tube.
- (3) To protect needle tips from damage, an appropriate sterile protective covering shall be placed on needle tip.
- (4) Instruments shall remain in the autoclave 55 minutes from a cold start.
- (5) If the process begins with a hot start, then instruments should be processed for 35 minutes.
- (6) To achieve proper sterilization, temperature must reach 273 degrees Fahrenheit and 15-30 psi.
- (7) Spore indicators shall be used with each load to ensure spore eradication.

Adopted: February 6, 2001

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- (i) Age policy. No person under the age of eighteen shall be tattooed/body pierced without written parental consent and notarized. No person under the age of 16 shall be tattooed/body pierced without written parental consent and notarized and in the presence of legal guardian.
- (j) Alcohol/Drug policy. Tattoo/body piercing artists shall not be under the influence of alcohol and/or drugs while performing tattoo/body piercing procedures. A statement by the client attesting that he/she is not under the influence of alcohol and/or drugs shall be kept on file.
- (k) Procedure when infection suspected. If an employee displays the symptoms of a communicable disease (jaundice, anorexia, nausea, vomiting arthralgias), that employee shall be prohibited from working and the health authority notified. When the health authority has reasonable grounds to suspect that infection is being transmitted by any employee of an establishment, the local health authority is authorized to require any or all of the following measures:
 - (1) The immediate exclusion of the employee from any activity with the potential for transmitting infection to clientele.
 - (2) The immediate closing of the establishment concerned until the health authority determines no further danger of disease outbreak exists.
 - (3) Adequate medical examinations of the employee and of his associates, with such laboratory examination as may be indicated.

The health authority shall take prompt action to determine whether further danger of disease outbreak exists.

- (l) Personal cleanliness of tattoo/body piercing artists. Prior to the start of the tattoo/body piercing procedure, the artist should inspect his/her hands; if a cut, sore, or abrasion is detected, a bandage should be applied for added protection before gloving. Each tattoo/body piercing artist shall scrub his hands and forearms with soap and warm water, using individual hand brush, clean his fingernails with an individual file or orange stick and thoroughly rinse his hands in a germicidal solution before working on each patron or customer. An individual disposable napkin shall be used for drying the tattoo/body piercing artist's hands and arms

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after rinsing. All jewelry such as watches, rings, etc., should be removed and nails trimmed prior to the start of the tattoo procedure. Single-use disposable latex examination gloves shall be worn during the tattooing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo, the gloves become torn or punctured, or whenever their ability to function is compromised. Each tattoo/body piercing artist shall, while engaging in tattooing, wear a fresh disposable gown or clean coat. After each client the artist must change into a fresh disposable gown or clean coat. Proper facilities shall be provided specifically for the storage of soiled uniforms and coats. No tattoo/body piercing artist and/or patron shall engage in the use of tobacco in any form while in the operating room. Tattoo/body piercing artists who are experiencing symptoms of diarrhea, vomiting, fever, rash, skin infections, or jaundice shall refrain from tattooing/body piercing activities.

- (m) Preparation of area to be tattooed/body pierced. When it is necessary to shave the area to be tattooed/body pierced, only single-use disposable razors shall be used. After shaving the area to be tattooed/body pierced, or if the area does not need to be shaved, the site of the tattoo shall be cleaned with soap and warm water, rinsed with clean water and a germicidal solution applied in a sanitary manner before the design is placed on the skin. Other sterile, individual towels or gauze shall be used in preparing the site to be tattooed/body pierced, and properly disposed of after use on each patron.

- (n) Body Piercers Shall:
 - (1) Set up equipment in front of client.
 - (2) Sealed autoclave bags containing any equipment required to be sterile, shall be opened in front of client, and the autoclave bag discarded.
 - (3) All jewelry contaminated with only airborne pathogens (not previously worn or contaminated) should be disinfected with a non-hazardous hard-surface disinfectant approved by the EPA. All jewelry contaminated or potentially contaminated with blood borne pathogens (previously worn by another person) should be autoclaved, stored in sterile indicator bags, sealed and dated.

Adopted: February 6, 2001

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- (4) All needles used in piercing must be pre-sterilized, used on one person, in one sitting, for single piercing and immediately disposed of in a medical sharps container.
- (5) All forceps, tubes, etc. must be pre-sterilized stored in sterile indicator bags, sealed and dated, used on one person, in one sitting. After one such use, they must be autoclaved and stored in sterile indicator bags, sealed and dated.
- (o) Stencil for transferring design. The stencil for transferring the design to the skin shall be thoroughly cleaned, rinsed and sterilized in a germicidal solution approved by the health department following each use and shall be maintained in a clean, sanitary condition.
- (p) Tattooing/body piercing procedures. A sterile set of needles shall be used for each patron or customer. Needles used in tattooing shall be sterilized by a hot or cold sterilization method, approved by the health department, after each use and, if not immediately used, stored in sterile containers. The open end of the needle tube of the tattooing machine shall be cleaned and sterilized in a similar method after each use.
- (q) After tattoo application. Excess dye applied to the skin shall be removed with individual sterile gauze pads or sterile cotton only. The completed tattoo shall be washed with a single-use towel saturated with an antibacterial solution. After the area has dried, a thick layer of antibacterial ointment from a collapsible or plastic tube shall be applied. A bandage shall then be applied to the tattoo using sealed telfa (non-stick) pads. Written instructions, approved by the health authority, shall be given to each patron or customer on the care of the skin of the tattooed site to prevent infection after each tattooing. A copy of these instructions shall also be posted in a conspicuous place in the tattoo establishment, clearly visible to the person being tattooed.
- (r) Disposal of waste. Needles, razors, or other sharp instruments used during tattoo procedures shall be placed in puncture-resistant, closed containers immediately after use. Needles shall not be purposely bent or broken, or otherwise manipulated by hand. Containers of sharp waste shall be sent to a facility where they are either incinerated or otherwise rendered nonhazardous. Disposable waste shall be placed in easily cleanable, closed containers provided with tight-fitting lids to prevent

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leakage or spillage. Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel or clients to waste materials. The containers shall be located as near as feasible to the area of use.

26-107 Right of entry.

The health authority shall have the right to enter at all reasonable times and inspect any known or suspected tattoo establishment for the purpose of investigating a known or suspected tattoo operation, but nothing in this article shall authorize entry into a private noncommercial dwelling without consent of the occupants or a proper warrant for such entry having been issued by a court of competent jurisdiction.

26-108 Enforcement by private citizens.

Any person other than persons responsible for enforcement of this article may initiate legal action on his behalf against any person who is alleged to be in violation of any provision of this article.

26-109 Right to appeal.

Should any controversy arise regarding the denial, suspension or revocation of a permit required by this article, the person aggrieved may appeal to the Bryan County Board of Health for a hearing. No such hearing shall be held unless a written petition is filed in the office of the health director on or before the tenth day following the day on which the action or lack of action took place that caused the petitioner to be aggrieved. The written petition requesting the hearing must set out the grievance or grievances of the petitioner. Within seven working days of receipt of the petition, a hearing shall be held before the board. The findings of the board of health shall be final.

26-110 Penalties.

- (a) *Criminal.* If any person shall violate the rules and regulations promulgated by the board of health, he shall be guilty of a misdemeanor and punished as provided in section 1-19.
- (b) *Other remedies.* In addition to other remedies provided in this article, the health authority may institute any other appropriate action or proceedings to restrain, correct or abate such violations or otherwise prevent the unlawful operation of such tattoo establishments or artists as authorized by the laws of the state.

Adopted: February 6, 2001

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26-111 Application Required.

All persons desiring to be tattooed shall apply in writing to the licensed tattoo parlor. No tattoo shall be given until 24 hours from the date of the initial application. Any violation of this section shall be punishable as specified in section 26-110.

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