

## CHAPTER 56

### VIGO COUNTY **BODY ART AND EAR PIERCING ORDINANCE**

WHEREAS, the State of Indiana has amended the laws concerning tattoos, and

WHEREAS, **body art and ear piercing** operations and procedures are becoming more and more common among the residents of the State of Indiana and the residents in Vigo County, Indiana, and

WHEREAS, the safe and proper operation of body art establishments and **facilities are** in the best interest of the residents of Vigo County, Indiana, and

WHEREAS, an improperly operated, improperly cleaned, or unsanitary, body art establishment **and/or facility** could have serious and detrimental effects upon the citizens of Vigo County, Indiana, and

WHEREAS, there exists a very real and distinct possibility of the transmission of serious infectious diseases from the tattooing, body-piercing **or ear piercing** of a person if their employees are not sufficiently skilled and knowledgeable of the dangers associated with said activity and

WHEREAS, the Vigo County Commissioners are empowered to protect the health and safety of the citizens of Vigo County, and

WHEREAS, the Vigo County Health Officer, or assignee, shall be the designated official in charge of enforcing this Ordinance. The Health Officer may, at his discretion, assign a representative of the Vigo County Department of Health to perform certain duties and responsibilities of the Health Officer, and

WHEREAS, the Vigo County Department of Health can best inspect and provide the necessary training and expertise to oversee the operation of body art establishments **and facilities**, and

WHEREAS, the Vigo County Commissioners believe that body art establishments should be licensed and subjected to reasonable inspections of the Health Department, and

WHEREAS, the Vigo County Commissioners desire to adopt an ordinance to regulate the operation of body art establishments **and facilities** in Vigo County, Indiana,

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING ORDINANCE SHALL BE ADOPTED AND MADE A PART OF THE PERMANENT RECORDS OF VIGO COUNTY, INDIANA that:

### 3 – 56.01 Definitions

The following definitions in this rule apply throughout this rule.

**Artist** refers to a person **who** performs body piercing or affixes a permanent tattoo to an individual.

**Antiseptic means a substance that will inhibit growth and development of microorganisms without necessarily destroying them.**

**Blood** (as defined in 410 IAC 1-5-2) refers to human blood.

**Blood-borne pathogens** (as defined in 410 IAC 1-5-3) means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:

- (1) the hepatitis B virus (HBV)
- (2) the hepatitis C virus (HCV)
- (3) the human immunodeficiency virus (HIV)

**Body Art includes body piercing and/or tattooing.**

**Body art establishment** is a location where body piercing and/or tattooing are performed.

**Body-piercing** (as defined in 410 IAC 1-5-3.6) means the perforation of any human body part other than an earlobe for the purpose of inserting jewelry or other decoration or for some other non-medical purpose.

**Branding means a potentially invasive procedure in which a permanent mark is burned into or onto the skin using either temperature, mechanical or chemical means.**

**Cleaned** (as defined in 410 IAC 1-5-4) means removal of all visible dust, soil, or any other foreign material.

**Contaminated** (as defined in 410 IAC 1-5-5) means the presence or reasonably anticipated presence of blood or OPIM (Other Potentially Infectious Materials) on an item or surface.

**Decontaminated** (as defined in 410 IAC 1-5-6) means the use of physical or chemical means to remove, inactivate, or destroy blood-borne 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.

**Department** means the Vigo County Department of Health or a representative for the Vigo County Health Department. The Vigo County Board of Health shall be considered part of the Department, except for the purpose of conducting any type of administrative hearing for the appeal of any decision of the Department or Health Officer.

**Ear Piercer means any person who performs a lower ear lobe piercing**

**Ear Piercing means the puncturing of the lower lobe of the ear using an ear piercing gun.**

**Ear Piercing gun means a handheld tool that shall be used exclusively for piercing the lower lobe of the ear in which a single use pre-sterilized studs and clasps are inserted into the lower ear lobe by a hand squeezed or spring loaded action to create a permanent hole.**

**Facility means the place where the act, practice or business of ear piercing is occurring**

**Germicidal solution means any solution which destroys microorganisms and is so labeled.**

**Health Officer** means the duly appointed Health Officer as set forth in IC 16-20-2.

**Infectious waste** means 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 objects that could potentially become contaminated sharps;
- (2) Infectious biological cultures, infectious associated biological, and infectious agent stock
- (3) Pathological waste
- (4) Blood and blood products in liquid and semi-liquid form
- (5) Other waste that has been intermingled with infectious waste.

**Implanting is a surgical procedure involving the placement of an object or multiple objects under the skin to mold or shape the skin outwardly for a particular appearance**

**Mobile Body Art Establishments** means an Establishment that operates outside of the physical site of a permitted Body Art Establishment for a period of no more than fourteen consecutive days

**Operator** means any person who controls, operates, conducts, manages, or owns any body art establishment.

**Other potentially infectious materials (OPIM)** (as defined in 410 IAC 1-5-12) means the following:

(1) Human body fluids:

- 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 unfixed tissue or organ, other than intact skin, from a human, living or dead

**Parenteral** (as defined in 410 IAC 1-5-13) means piercing the mucous membranes or the skin barrier through such events as needle-sticks, human bites, cuts, or abrasions.

**Patron** is a person who pays the artist to perform a body piercing procedure or permanently affix a tattoo to an individual.

**Personal protective equipment** (as defined in 410 IAC 1-5-14) means specialized clothing or equipment worn for protection against contact with blood or OPIM.

**Piercing Artist** a person who performs boring, penetration or tunneling through the skin or organ of a client **other than the lower earlobe**, in order to make a space to hold jewelry in that place.

**Scarification means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.**

**Secure area** means an area designated and maintained to prevent the entry of unauthorized persons.

**Semi-liquid blood, blood products** (as defined in 410 IAC 1-5-16) means blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

**Sterilize** (as defined in 410 IAC 1-5-17) means the use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

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

**Suspension is the act of suspending a human body from hooks that have been put through body piercing.**

**Tattoo** (as defined in 410 IAC 1-5-19) means:

- (1) any indelible design, letter, scrap, figure, symbol, or other mark placed with the aid of needles or other instruments; or
- (2) any design, letter, scroll, figure, or symbol done by scarring, upon or under the skin.

**Tongue bifurcation is a surgical procedure in which the tongue is cut centrally from its tip part of the way towards its base, forking the end.**

**Universal precautions** means 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 blood-borne pathogens.

### 3 – 56.02 Permits

**(A) General:** No person, firm, partnership, joint venture, association, business trust, corporation or any organized group of persons may operate a Body Art Establishment and/or a Mobile Body Art Establishment unless it has first received a valid permit from the Vigo County Health Department.

The valid permit shall be prominently displayed in the Body Art Establishment and/or Mobile Body Art Establishment and shall not be defaced or altered in any manner.

A separate permit shall be required for each Body Art Establishment or Mobile Body Art Establishment **and can** not be transfer**red** from one Establishment or Operator to another.

**(B) Permit Period:** A Permit for a Body Art Establishment shall be issued for a term beginning January 1, and /or before commencement of operation, and expiring December 31, of the same year and shall be applied for by the Operator annually.

A Permit for a Mobile Body Art Establishment shall be for **a period of no more than fourteen consecutive days.**

**(C) Permit Content:** Any Permit issued by the Health Officer shall contain:

- (1) Name and address of the Operator;

- (2) The location of the establishment;
- (3) The issuance and expiration date(s); and
- (4) Any other pertinent data as may be required by the Vigo County Health Officer.

(D) **Application:** A Person desiring to operate a Body Art Establishment shall submit a written application for a Permit on the form provided by the Vigo County Health Department.

(E) **Application Content:** The application shall include:

- (1) Name, address, telephone number, first aid/CPR certification, and original signature of the Operator applying for the Permit.
- (2) Name, address, and telephone number of the Body Art Establishment and/or Mobile Body Art Establishment.
- (3) Name, address, and proof of attendance at a Bloodborne Pathogen Training Program of all employees at the Body Art Establishment and/or Mobile Body Art Establishment.

**(4) Proof of valid license issued by the Vigo County Health Department.**

(5) A statement signed by the applicant that:

- i. Attests to the accuracy of the information provided in the application, and
- ii. allows the Vigo County Health Department access to the Body Art Establishment and/or Mobile Body Art Establishment and records as specified in 410 IAC 1-5

(F) **Plan Requirements for Body Art Establishments:**

(1) The Operator of a proposed Body Art Establishment shall submit to the Vigo County Health Department:

(a) Properly prepared plans and specifications for review and approval before the construction or conversion of an existing structure for the use as a Body Art Establishment.

(b) Proof of contract with infectious waste removal company.

(c) Copy of bloodborne pathogen and first aid training for all employees

(d) Copy of written policy to meet IOSHA Bloodborne Pathogen Standard (29 CFR 1910.1030)

(2) The plans and specifications for a Body Art Establishment shall be deemed satisfactory and approved by the Vigo County Health Department before a Permit can be issued.

(3) A pre-operational inspection shall be conducted to ensure that the establishment is built or remodeled in accordance with the approved plans and

specifications and to assure the establishment is in compliance with this ordinance, and 410 IAC 1-5.

**(G) Plan Requirements for Mobile Body Art Establishments**

- (1) The Operator of a permitted Body Art Establishment shall submit a Mobile Body Art Establishment application and appropriate fees to the Vigo County Health Department for each event in which the establishment intends to participate at least 14 days prior to the event.
- (2) No tattoo or body piercing procedures are to be performed prior to a permit being issued.
- (3) Permit holders are responsible for ensuring that all other local agency regulations are complied with, such as, but not limited to, zoning and business license requirements.
- (4) Proof the applicant is currently affiliated with a permitted Body Art Establishment in Vigo County.
- (5) **Proof of valid license(s) issued by the department for all artists participating in the event.**
- (6) Description of physical facilities.

- (I) Revocation of Permit:** The Health Officer may suspend or revoke the permit of any Body Art Establishment for any period of time for any violation of this Ordinance, state or federal regulations concerning blood-borne pathogens, tattoos, body-piercing or work place regulations (OSHA). The suspension and/or revocation shall be effective upon issuance by the Health Officer. The establishment may have the permit reinstated upon compliance with this Ordinance, state, or federal regulations concerning blood-borne pathogens, tattoos, body piercing or work place regulations (OSHA) and to the satisfaction of the Health Officer. Appeals of orders of revocation shall be conducted pursuant to IC 4-21.5-3-1 et. seq. The Board of Health shall conduct administrative hearings concerning the suspension or revocation of any permit issued herein as set forth in IC 4-21.5-3 et. seq.

**3 - 56.03 Artist License**

- (A) General: It shall be unlawful for any individual to perform tattooing and/or body piercing upon any person within Vigo County without possessing a current and valid Artist License issued by the Vigo County Health Department.**

**The Artist License shall be prominently displayed in the Body Art Establishment and/or Mobile Body Art Establishment and shall not be defaced or altered in any manner.**

(B) License Period: An Artist License shall be issued for a term beginning January 1, and /or before commencement of operation, and expiring December 31, of the same year and shall be applied for by the Artist annually.

(C) License Content: An Artist License issued by the Health Officer shall contain:

- (1) Name of the Artist,
- (2) Whether the artist has a “Regular” or “Temporary” status, and
- (3) The issuance and expiration date(s)

(D) Requirements for License

(1) Regular Artist License

An applicant applying for a Regular Artist License shall submit to the Department proof that the artist:

- (a) is at a minimum of eighteen (18) years of age, and
- (b) has successfully completed training described in the Indiana Occupational Safety and Health Administration’s Blood-borne Pathogens Standard (20 CFR 1910.1030), and
- (c) has passed a written exam administered by the Vigo County Health Department with a passing grade of 70% or better, and
  1. Has successfully worked at a permitted body art establishment in Vigo County with an Apprenticeship License for a period of not less than six (6) months under the supervision of an artist that holds a valid Regular Artist License; or
  2. has worked in a licensed tattoo and/or body piercing establishment for a minimum of two (2) years. Proof must be submitted to the department and may include: copy of establishment license, tax records, or other similar documents. The Health Officer shall have final approval on other forms of documentation submitted as evidence or proof.

(2) Temporary License

An applicant applying for an Temporary License shall submit to the Department proof that the artist:

- (a) is at a minimum of eighteen (18) years of age, and

- (b) has successfully completed training described in the Indiana Occupational Safety and Health Administration’s Blood-borne Pathogens Standard (20 CFR 1910.1030), and
- (c) will work under the direct supervision of an artist with a valid Regular Artist License.

**(E) Renewal of License**

(1) All licenses shall expire on December 31 of each year. Applications for renewal of a license shall be submitted on the form provided by the department before December 31 of each year. Failure to renew artist license can cause body art establishment to have its permit suspended or revoked.

**3 – 56.04 Fees and Penalties**

**(A) General**

Fees for the issuance of a permit or artist license under this Ordinance shall be set by the Vigo County Health Department, as provided by the Statutes of the State of Indiana. (See IC 16-20-1-27)

The fee shall be paid for a term beginning January 1, and/or before commencement of operation and expiring December 31, of the same year and shall be applied for by the Operator annually.

Body Art Establishment	\$175.00
Mobile Body Art Establishment	\$100.00

LICENSE FEE SCHEDULE	
Regular Artist License	\$50.00
<u>Temporary License</u>	\$25.00

A receipt for the payment of such fees shall be provided by the Vigo County Health Department.

**Pro Rating of Fees:** In the event that a business shall apply for a permit any time after June 30, they shall be required to pay one half (1/2) of the annual fee.

**Late Fees:**

- (1) A late fee shall be assessed as set by the Vigo County Health Department for failure to acquire a **permit or artist license** prior to the operation of a Body Art Establishment and/or Mobile Body Art Establishment.
- (2) A late fee shall be assessed as set by the Vigo County Health Department for failure to **renew** a permit **or artist license** within 14 days after **its** expiration **date**.

<b>LATE FEES</b>	
Failure to renew permit within the 14 day grace period	\$200.00
Operating without a valid permit <b>or artist license</b>	\$250.00

**3 – 56.05 Inspections**

The Vigo County Health Department shall conduct a minimum of two (2) inspections per year of Body Art Establishments located in Vigo County, Indiana. Additional inspections may be conducted by the Health Department, as they deem necessary and/or in response to complaints submitted. The results of the inspections shall be provided to each operator. Violations noted by the Health Department shall be corrected immediately. The Department shall conduct follow-up inspections to determine compliance with this Ordinance.

The VIGO COUNTY HEALTH OFFICER may bring an action in the Circuit or Superior Court to enforce this Ordinance. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this Ordinance including reasonable attorney fees.

**3-56.06 General Requirements**

- (A) No person shall do any of the following:
  - (1) Operate a business that offers tattooing or body-piercing services, unless the Vigo County Health Department has approved the business, under 410 IAC 1-5;
  - (2) Perform a tattooing or body-piercing procedure, in a manner that does not meet the safety and sanitation standards established under Rule 5, 410 IAC 1-5;
  - (3) Perform a tattooing or body-piercing procedure in a manner that does not meet the standards for appropriate disinfection and sterilization of invasive equipment or parts of equipment used in performing the procedures established by this chapter, under Rule 5, IAC 1-5.

### 3 – 56.07 Age Limitation/Consent

(A) No person shall perform a tattooing procedure on an individual who is under sixteen (16) years of age **or** a body-piercing procedure on an individual who is under fourteen (14) years of age. Parental consent is required to perform a tattooing procedure on any individual between sixteen (16) and eighteen (18) years of age, and to perform a body piercing procedure on any individual between fourteen (14) and eighteen (18) years of age.

(B) A parent, guardian, or custodian of an individual under age eighteen (18) who desires to give consent to the Body Art Establishment and/or Mobile Body Art Establishment to perform a body-piercing or **tattooing** procedure shall:

- (1) Appear in person at the Body Art Establishment and/or Mobile Body Art Establishment at the time the procedure is performed and remains through the procedure.
- (2) Sign a document provided by the Body Art Establishment and/or Mobile Body Art Establishment that explains the manner in which the procedure will be performed and the methods for proper care of the affected body area following of the procedure.
- (3) **Provide identification in accordance with Sec 3-56.08 and other relevant information to prove guardianship of minor.**

### 3 – 56.08 Identification

(A) A Body Art Establishment **shall** require **two or more forms of identification (one must have a photo)** for all individuals receiving tattooing or body piercing services, for their own records and protection. **Acceptable identification include:**

- **Valid Drivers License**
- **Identification Card issued by federal, state or local government agencies or entities**
- **U.S. Passport**
- **Valid foreign passport with photo**
- **Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal**
- **U.S Social Security card issued by the Social Security Administration**
- **U.S. Military/ Merchant Marines Identification card with photo**
- **U.S. Veterans Universal Access Identification card with photo**
- **Certificate of Naturalization/Citizenship**
- **Certified academic transcripts from schools in the United States and its territories**
- **School report card dated within 12 months of application**

- School identification card with photo or yearbook photo within 3 years of application
- Indiana gun permit
- Valid banking card or MasterCard, Visa, American Express, or Discover card issued in the name of applicant with his or her signature
- Bank statement issued within 60 days of application
- Form W-2 (federal or state) or Form 1099 with applicant's name and address
- Valid employee identification card with photo
- Valid Indiana professional license
- Valid insurance card
- Medicare or Medicaid Card
- U.S. military discharge or DD214 separation papers
- U.S. Uniformed services card
- Divorce decree certified by court of law with stamp or seal
- Application of Marriage or Record of Marriage that is certified with stamp or seal.

(B) All ID's must be in your current name. If the ID is not in your current last name, you will need divorce papers, marriage license, etc. showing the change of your last name.

*False application, altering, mutilating, or counterfeiting Indiana Birth Certificates is a criminal offense under IC 16-37-1-12; such false application, alteration, mutilation or counterfeiting is a Class A Misdemeanor, carrying a sentence of up to one (1) year imprisonment and a fine of up to \$5,000.*

### 3 – 56.09 Physical Facilities

(A) The premises in which tattooing and/or body piercing is conducted shall consist of an area of at least one hundred square feet. The floor space for each artist performing tattoo or body piercing services shall be an area of at least forty-five square feet. These areas shall be separated from each other and from waiting patrons or observers by a panel, door, or 8ft. Privacy screens or devices must be made available at the patron's request.

(B) The entire procedure room and equipment shall be maintained in a clean, sanitary condition and in good repair.

(C) Body Art Establishments shall be equipped with artificial light sources equivalent to at least twenty foot-candles at a distance of thirty inches above the floor throughout the establishment. A minimum of forty foot-candles of light shall be provided at the level where the tattooing is being performed. Spotlighting may be used to achieve this required degree of illumination.

(D) All floors directly under equipment used for tattooing and body-piercing activities shall be an impervious, smooth, washable surface and be maintained in a sanitary manner at all times. All walls shall be maintained in a sanitary manner.

(E) All tables and other equipment shall be constructed of easily cleanable material, with a smooth, washable finish. A disposable barrier shall table paper should cover the chair, stand, or table where the tattoo or piercing will be performed be provided and changed between clients.

(F) Restroom facilities shall be made available to the employees and customers of the business and must be located within the establishment. The restroom shall be accessible at all times the establishment is open for operation. The restroom shall be equipped with a toilet, toilet paper installed in a holder, lavatory supplied with hot and cold running water, liquid antimicrobial soap and paper towels in dispensers. Equipment and supplies used in the course of tattoo and body-piercing services or disinfection and sterilization procedures shall not be stored or utilized with the restroom.

(G) A hand wash sink, with hot and cold running water, antimicrobial liquid soap, and paper towels in dispensers shall be located in close proximity of each tattooing and body piercing artists' station.

(H) There shall be no overhead or otherwise exposed sewage lines so as to create a potential hazard to the sanitary environment of the business.

### **3 – 56.10 Tattoo and/or Piercing Artist Minimum Training Requirements**

(A) The operator of a Body Art Establishment shall comply with the following training responsibilities:

(1) Ensure that the training described in the Indiana Occupational Safety and Health Administration's Blood-borne Pathogens Standard (as found in 20 CFR 1910.1030) is provided to all Tattoo and Body piercing Artists, anyone employed by the Body Art Establishment, or anyone acting on behalf of the Body Art Establishment who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(a) Insure that a record of training described in subdivision (1) is maintained. The record shall be made available to the Department for inspection upon request.

(2) Ensure that training on the handling of infectious waste is provided to all Tattoo and Body-piercing Artists, anyone employed by the Body Art Establishment, or anyone acting on behalf of the Body Art Establishment who

has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(a) Insure that a record of training described in subdivision (2) is maintained. The record shall be made available to the Department for inspection upon request.

### **3 – 56.11 Body Art Establishment Operator Responsibilities**

(A) The Body Art Establishment Operator shall ensure that the minimum training requirements for the tattoo and piercing artists are met according to Sec. 3-56.10 of this ordinance.

**(B) Operators shall ensure that employees have valid artist licenses issued by the department.**

**(C) Operators must attend and pass a certified CPR and Basic First Aid class.**

(D) The Tattoo Body-piercing Operator shall display written materials prepared or approved by the Department explaining universal precautions and patrons' rights under this Rule. The materials shall include information on how to report violations of universal precautions and shall include information regarding the Department's duties to investigate.

(E) The Operator shall insure that no illicit drugs or alcohol are consumed in the Body Art Establishment.

(F) The Operator shall ensure that no tattoo or body piercing shall be affixed to or performed on any person who is intoxicated.

(G) Prior to tattooing and body piercing, the artist who will be performing the procedure shall inquire of a patron for conditions that could affect the healing process. The Operator shall not allow a tattoo or body-piercing procedures to be performed on patrons indicating the presence of such a condition without documentation from a licensed physician, indicating acceptance of the patient for appropriate care following the procedure.

(H) With respect to tattooing services, written records must be maintained which include the professional tattooing ink for each tattoo performed.

(I) Written instructions shall be given to each patron or customer on the care of the tattoo or piercing to prevent infection. A copy of these instructions shall also be posted in a conspicuous place in the Body Art Establishment, and be clearly visible to the **patrons**.

### 3 – 56.12 Body Art Establishment Operator Policies and Requirements

(A) The Body Art Establishment Operator shall develop a written Policy in compliance with this rule and the requirements of the Indiana Occupational Safety and Health Administration's Blood-borne Pathogen Standard (as found in 29 CFR 1910.1030) that:

- (1) Requires the use of universal precautions when performing tattooing, piercing and/or any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;
- (2) Includes the safe handling of infectious waste;
- (3) Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.

(B) The following information shall be kept on file on the premises of a tattoo/body-piercing establishment and available for inspection by the Department:

- (1) Full names, date of birth, gender, home address, home/work phone numbers, identification photos of all operators/artists;
- (2) Establishment name, hours of operation, owner's name and address;
- (3) A complete description of all body art procedures performed;
- (4) An inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial or lot numbers, if available or applicable;<sup>1</sup>
- (5) A copy of these Regulations.
- (6) **Proof** that each Artist and Operator has either completed or been offered and declined, in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the employee is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons.

(C) The use of properly configured, autoclave sterilization units on all reusable items is mandatory. A sign, prominently posted, shall apprise the public of the existence of the results of this test and invite them to review said results. "Dry" heat, Glass Bead or pressure cookers are not acceptable methods of sterilization.

### 3 – 56.13 Patron Records

(A) Records of each patron shall be maintained for two (2) years. The record shall include:

- (1) Patron's name
- (2) Address
- (3) Age: **must be verified according to 3-56.08**
- (4) Date tattooing or body-piercing was performed
- (5) Design of the tattoo
- (6) Location of the tattoo or piercing on the patron's body
- (7) Name and description of decorative implement or other implement placed into the pierced body area
- (8) The name of the Tattoo/Body-piercing Artist who performed the work
- (9) Parental consent must be in writing when performed on any minor as permitted by law.

### 3 – 56.14 Illness and Infections

(A) Anyone employed by a Body Art Establishment or acting in behalf of the establishment shall be free of rash, infection or any other visible pathological condition. No person or operator affected with boils, infected wounds, open sores, abrasions, exudative lesions, acute respiratory infection, nausea, fever, vomiting, diarrhea, or jaundice shall work in any area of a Body Art Establishment in any capacity in which there is a likelihood of contaminating tattoo or body-piercing equipment, supplies or working surfaces with pathogenic organisms.

(B) Any skin or mucosa surface to receive a tattoo or body-piercing procedure shall be free of rash, infection or any other visible pathological condition.

**(C) The site of the tattoo shall be cleaned with antiseptic soap and rinsed with clean water and then a germicidal solution (such as 70% isopropyl alcohol) shall be applied using a sterile swab.**

### 3 – 56.15 Personal Hygiene

(A) The tattoo and piercing artist shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing tattoo or body-piercing procedures.

(B) Before performing tattoos or body piercing, the Artist must thoroughly wash hands in hot running water (**minimum temperature of 100°F**) with liquid antimicrobial soap, then rinse hands and dry with disposable paper towels. **Hands shall be washed**

**after removal of gloves, smoking, eating, drinking, using the toilet, or as often as necessary to remove contaminants.**

### **3 – 56.16 Personal Protective Equipment**

(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 goggles 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 shall be worn during the tattooing and body-piercing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of a tattoo or body piercing, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. **Hands shall be washed prior to donning a new pair of disposable gloves.** Disposable gloves shall not be reused.

(D) Gloves shall be worn when decontaminating environmental surfaces and equipment.

### **3 – 56.17 Tattooing/Body-piercing Equipment**

(A) Only single use razors shall be used to shave the area to be tattooed, or body part to be pierced.

(B) The stencil for transferring a design to the skin is to be single-use only, and shall be properly disposed of after a single use.

**(C) Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its content. The applicator or gauze shall be used once and then discarded.**

### **3 – 56.18 Needles**

- (A) Needles shall be packaged and sterilized prior to use, for each tattoo or body-piercing.
- (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.

### 3 – 56.19 Reusable Equipment

**(A) Autoclave sterilization must be used when heat stable, non-disposable equipment is sterilized.**

**(B) A separate, dedicated area must be provided for the preparation, cleaning and sterilization of reusable tools and equipment.**

(C) Contaminated **reusable** equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed. **The container shall be puncture resistant, leak proof on both sides and bottom, and labeled with the biohazard symbol.**

**(D) Contaminated reusable equipment shall be:**

- (1) Soaked in an enzymatic detergent such as Enzol®(R) (or equiv.) for no less than 10 minutes**
- (2) Fully submerged in an Ultra Sonic Cleaner for no less than 15 minutes**
- (3) Air dried**
- (4) Autoclaved in appropriate, dated, sealed bags with indicator strips fully visible.**
- (5) Left in the autoclave to dry. The door on the autoclave may be left slightly ajar to facilitate drying.**
- (6) Removed with new gloves and placed in a clean, closed container**

**(E) Sterilized items left in unopened bags for longer than 30 days must be re-autoclaved**

**(F) Records must be maintained to document:**

- (1) Duration of sterilization technique**
- (2) Determination of effective sterility, such as use of a biological indicator, were used within 7 days prior to current sterilization procedure.**

(3) **Equipment is maintained as recommended by the owner's manual**

**3 – 56.20 Dyes Or Pigments**

- (A) All dyes or pigments in tattooing shall be from professional suppliers specifically **designed** 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 pigments in clean, sterilized 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.

**3 – 56.21 Work Environment**

- (A) No tattooing or body piercing shall be conducted in any room used as living quarters or opens directly into living or sleeping quarters.
- (B) Live animals shall be excluded from areas where tattooing or body piercing is being conducted. This exclusion does not apply to:
  - (1) Patrol dogs accompanying security or police officers,
  - (2) Guide dogs accompanying blind persons, partially blind persons, physically disabled persons, guide dog trainers or persons with impaired hearing.
- (C) Eating, drinking, smoking, or applying cosmetics shall not be allowed in work areas where there is a 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 **with a hospital-level, hard surface disinfectant such as MadaCide® (or equiv.)** after contact with blood or OPIM
- (F) All work surfaces shall be non-absorbent, easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, or similar imperfections.
- (G) Disinfectant solutions shall be a hospital-grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or sodium hypochlorite, five-tenths percent (0.5%) concentration, by volume (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 – 56.22 Infectious Waste Containment**

(A) Contaminated needles, sharp objects, or other infectious wastes shall be stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this rule, prior to being stored in an unsecured area and sent for prior to final disposal.

(B) Infectious wastes other than contaminated sharps or objects that could potentially become contaminated sharps shall be placed in bags that meet the following requirements:

- (1) Impervious to moisture
- (2) Sufficient strength and thickness to prevent expulsion
- (3) Secured to prevent leakage expulsion
- (4) Labeled with the biohazard symbol
- (5) Effectively treated in accordance with this rule prior to being placed in an unsecured area and sent for final disposal.

(C) If infectious waste is stored prior to final disposal, all persons subject to this rule shall store infectious waste in a secure area that is locked or otherwise secured to eliminate access by or exposure to the general public, affords protection from adverse environmental conditions and vermin, and has a prominently displayed biohazard symbol.

(D) Infectious waste shall be stored in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction.

(E) Reusable containers must be disinfected against infectious waste, each time that they are emptied, unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags or other devices that are removed with the infectious waste.

(F) Contaminated waste which may release other potentially infectious materials (OPIM) when compressed or handled must be placed in an approved "red" bag which is marked with the International biohazard symbol. A waste hauler approved by the Department must then dispose of it. Contaminated waste which does not release OPIM when compressed or handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods.

(G) Storage of contaminated waste on-site shall not exceed 90 days.

### **3 – 56.23 Treatments And Transport Of Infectious Waste**

(A) All Tattoo/Body-piercing 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.

(B) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this rule. Effective treatment may include:

- (1) Incineration in an incinerator designed to accommodate infectious waste;
- (2) Steam sterilization;
- (3) Chemical disinfecting under circumstances where safe handling of the waste is assured;
- (4) Thermal inactivation;
- (5) Irradiation; or
- (6) Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(C) All persons subject to this rule shall:

- (1) Transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
- (2) Effectively treat infectious waste in accordance with this rule before it is compacted.

(D) The Tattoo/Body-piercing Operator shall ensure that infectious waste, effectively treated or not, is transported off site in compliance with 410 IAC 1-3.

### **3 – 56.24 Post Tattoo/Body-piercing Infection Prevention**

(A) Each Body Art Establishment is to provide instruction to its clients in methods to prevent infection, such as the use of bactericidal creams and ointments, and soap, and appropriate barrier dressings where indicated. Clean dressing must be applied after completion of each tattoo.

(B) Each client should be instructed to seek immediate medical attention should there be any evidence of infection.

### **3 – 56.25 Mobile Body Art Establishment Requirements**

(A) Tattoos and/or body-piercing performed pursuant to this section shall be done only from an enclosed vehicle such as a trailer or mobile-home having an interior floor space of at least 100 square feet. No tattoos or body piercing procedures shall be performed outside of the enclosed vehicle.

(B) The Mobile Body Art Establishment shall be maintained in a clean and sanitary condition at all times. Doors shall be self-closing and tight fitting. Operable windows shall have tight-fitting screens.

(C) Mobile Body Art Establishment must have approved sterilization equipment available and follow all requirements of the Section on **Reusable** Equipment.

(D) The Mobile Body Art Establishment shall be used only for the purpose of performing tattoos or body-piercing procedures. No habitation or cooking is permitted inside the vehicle.

(E) The Mobile Body Art Establishment shall be equipped with an equipment-washing sink and a separate hand wash sink for the use of the artist. The hand wash sink shall be supplied with hot and cold running water under pressure to a mixing type faucet, antimicrobial liquid soap and paper towels in dispensers. An adequate supply of potable water shall be maintained for the Mobile Body Art Establishment at all times during operation.

(F) All liquid wastes shall be stored in an adequate storage tank with a capacity at least fifty (50) percent greater than the capacity of the on board potable water supply. Liquid wastes shall be disposed of at a site approved by the Department.

(G) Facilities shall have easy access to adequate toilet facilities and a lavatory with hot and cold running water, as part of surrounding premises or adjacent to the facility.

(H) Mobile Body Art Establishment must receive an initial inspection at a location specified by the Department prior to use to insure compliance with structural requirements. Additional inspections will be performed at every event where the Mobile Tattoo/Body-piercing Establishment is scheduled to operate.

(I) No animals, except service animals of clients shall be allowed in the **Mobile** Body Art Establishment at any time.

### **3 – 56.26 Minimum Standards For All Establishments That Offer A Body Piercing Service To The Public**

(A) Procedures and Practices For Body-Piercing

- (1) Piercings of minors will be permitted only with a legal guardian present, and must comply with Sections 3-56.07 of this Ordinance.
- (2) Signage requesting patrons to refrain from removing their own jewelry should be easily visible.
- (3) All supplies that come into contact with the piercing station should be in "single portion" form. Including, but not limited to, anti-bacterial ointments, iodine swabs, alcohol wipes and the like. These packages must be wiped down with a hospital level, hard surface disinfectant and air dried, prior to being stored in clean, closed containers.
- (4) All oral piercing shall be preceded by the client performing a one-minute, vigorous application of an antiseptic mouthwash such as Listerine®.
- (5) All other pre-piercing sites must be thoroughly cleaned with an iodine-based product such as Betadine® or Techni-Care® (or equiv.) for one full minute. All traces of iodine must be removed before the client departs. On individuals with iodine sensitivity, Benzethonium Chloride (or equiv.) solution is an acceptable substitute.
- (6) Corks must be autoclaved. Single-use packaging is preferred. Bulk sterilized supplies must be kept in a clean, closed container, opened and touched with fresh gloves only.
- (7) All insertable jewelry is to be sterilized (individually is preferred) and kept in a sterile, closed container.
- (8) All jewelry **placed in new piercings must** be made of **one of the following:**
- **Solid**14k **or higher white or yellow nickel-free** Gold,
  - Surgical **Implant** Stainless Steel, **CrNiMo 316LVM, ASTM F-138**
  - Niobium
  - **Surgical Implant grades of** Titanium
  - **Solid** Platinum
  - Inert plastics
- Jewelry must have a mirror finish and be free of nicks, scratches, burrs and polishing compounds. Rings should have rounded ends. Mill certificates from the manufacturer or an independent assay must be available to prove material composition.**
- (9) Written detailed post-piercing aftercare suggestions must be provided.

3-56.27 Ear Piercing

(A) The Facility Owner or the person in charge of the Facility shall ensure the following criteria is met:

- (1) Procedure area shall be clean and maintained in a state of good repair.
- (2) All surfaces and equipment (workstation, counters, recliners/chairs, dispensers) in the procedure area shall be made of smooth, non-absorbent, nonporous material that can withstand repeated use of EPA registered disinfectants. Carpet shall not be located in the procedure area.
- (3) All equipment and products shall be placed in clean, enclosed containers that are clearly labeled.
- (4) A pedal operated trash container shall be located in the procedure area.
- (5) Retain all original copies of release/aftercare documents for a minimum of two years.
- (6) Retain all manufacturer specification sheets for all equipment, chemicals, and products used in the process.

(B) The Facility Owner or the person in charge of the Facility shall ensure that each person who is performing an Ear Piercing is at least 18 years of age and complies with the following:

- (1) The ear piercer and client shall not smoke, eat or drink at the procedure area during the Ear Piercing.
- (2) Before beginning any Ear Piercing procedure, the ear piercer shall discuss the risks and responsibilities required in the particular piercing with the client.
- (3) Prior to the procedure the client shall fill out and sign a client information form. A legal guardian shall complete a consent form if the client is a minor. An Original copy of each form shall be retained by the Facility and a copy shall be given to the client.
- (4) The ear piercer must also explain aftercare instructions and have the signature of the client or legal guardian indicating that he or she has received written aftercare instructions.

(C) The Facility Owner or the person in charge of the Facility shall ensure that each person who is performing an Ear Piercing, of any other individual in the Facility, has been properly trained on the Ear Piercing procedures and sanitation guidelines listed below:

- (1)The ear piercer shall wash their hands with liquid antimicrobial soap and water and/or apply FDA approved waterless hand cleaner. Following thorough washing, the hands shall be dried using single use paper towels. Then new examination gloves shall be donned. Change gloves after each client and if contamination occurs.
- (2) The ear piercer shall open a new individually wrapped alcohol swab and apply it to the front and back of the area to be pierced.

- (3) Area of the ear to be pierced shall be marked by the piercer with a non-toxic marking pen.
- (4) The Ear Piercing Gun must be cleaned and undergo disinfection using a FDA cleared high-level disinfectant.
- (5) All Ear Piercing Guns should be capable of being loaded without the need to touch the studs or the stud holding devices on the gun. Only use studs that have been taken from a sealed purchased pre-sterilized package.
- (6) Immediately after piercing, the reusable equipment must undergo high-level disinfection.
- (7) No body part, skin, or other internal/external tissue may be pierced with a piercing gun except for the lower ear lobe.

**3-56.28      Prohibited Acts**

- (A) No person shall perform branding, implanting, suspension, tongue splitting or scarification on another person.
- (B) No person shall pierce the genitalia or nipples of a person under the age of 18.

**3 – 56.29      Exemptions**

- (A) Physicians licensed by the State of Indiana who utilizes tattooing or body-piercing procedures as part of patient treatment are exempt from these regulations.

**3-56.30      Repeal and Effective Date**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effective after its adoption as provided by law.

To be passed and adopted by the Commissioners of Vigo County, State of Indiana, on this 16<sup>th</sup> day of May, 2006.

Signed:

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Vigo County Board of Commissioners

Terre Haute, Indiana