

ORDINANCE 2011 - 67

ORDINANCE ESTABLISHING TATTOO AND BODY PIERCING REGULATIONS

WHEREAS, the Indiana State Department of Health has promulgated a rules requiring local health departments to enforce sanitary requirements with respect to tattoo and body piercing as defined and referenced in Title 410 of the Indiana Administrative Code and the Indiana Occupational Safety and Health Administration Blood borne Pathogens Standard 29 CFR 1910.1030; and

WHEREAS, the Board of Commissioners of LaPorte County has determined that it is necessary to establish tattoo and body piercing regulations to ensure that the County is in compliance with state law as well as to protect the health safety of LaPorte County citizens,

NOW, THEREFORE, be it ordained by the Board of Commissioners of LaPorte County that:

1. Title XI, Business Regulations, shall be amended to add Chapter 111, Section(s) 111.01 – 111.14, as follows:

Title XI Business Regulations

Chapter 111 Tattoo and Body Piercing Regulations

Section

111.01. Definitions.

- A. **Applicant** – any person or entity 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 pathogenic microorganisms include, but are not limited to:
 - a. Hepatitis B virus (HBV),
 - b. Hepatitis C virus (HCV), and

- 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 or unsanitary 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/are provided or where the business of tattooing or body piercing, or both, is/are 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/or
4. Most fungi,

but does not necessarily kill bacterial spores.

V. **Inspection** - a complete review of the premises and records of a tattoo and body piercing establishment as well as any other portion of the establishment deemed necessary by the Health Officer or Health Department.

W. **Mobile facility** – any facility capable of being moved 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 whether 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, or
 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 issuance.
- 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.

111.02. Permit Requirements.

- A. Any person or entity who wishes to perform any of the services regulated by this Ordinance must provide proof that the applicant is competent to perform such services without causing harm or disease to the applicant's clients.

111.03. Application for Tattoo & Body Piercing Facility or Mobile Facility.

- A. A permit application under this Section shall include:
1. The legal name, address, and telephone number of the applicant.
 2. The name, address, and telephone number of the business under which the applicant intends to operate, if any.
 3. Proof that the applicant is and will continue to be in compliance with all Indiana Occupational Safety and Health Administration guidelines.
 4. The applicant's business or employment history for the three (3) years immediately preceding the date of application, including, but not limited to, whether such applicant previously operated under a permit or license in another city/state and whether the applicant has had any license suspended or revoked.
 5. Documentation evidencing that the location of the applicant's business is properly zoned for applicant's business by the governmental agency in which the business is or will be located.

111.04. Application for Practitioners, Temporary Practitioners, and Apprentice Permits.

- A. A permit application under this Section shall include:
1. The legal name of the applicant.
 2. The current address of the applicant.
 3. A copy of the applicant's driver's license or other government issued I.D. if the applicant does not have a driver's license.
 4. Proof that the applicant is at least eighteen (18) years of age.
 5. Evidence that the applicant has obtained at least a high school diploma or GED.
 6. Documentation of all training relevant to the type of work regulated by this Ordinance.
 7. Documentation of all professional certification, associations, or memberships relevant to any service regulated by this Ordinance.
 8. A listing of all work experience including dates, addresses, telephone numbers, and supervisor's names.
 9. 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.

111.05. Inspections.

- A. It shall be the duty of the Health Department to inspect tattoo and body piercing facilities at least annually to determine compliance with this Ordinance.
- B. Inspections are to be made at reasonable times with due regard to the nature of the business to be inspected.

111.06. Permit Requirements for Facilities and Practitioners.

- A. Permit- It shall be unlawful for any person to operate a tattoo and/or body piercing facility in LaPorte County, Indiana without a valid permit from the Health Officer. Only persons who have complied with the applicable provisions of this Ordinance shall be entitled to receive and retain such a permit. The permit shall be posted in a conspicuous place on the premises of the permitted facility. Facility and practitioner permits shall be valid for a term of one (1) year and shall be renewed on or prior to the last day of February each year.
- B. Permit Fees- All facilities and practitioners shall pay permit and inspection fees as established by the LaPorte County Board of Commissioners. Applicable fees shall be paid to the LaPorte County Health Department at the time of application. Except as otherwise provided in this Ordinance, all permit fees shall be payable on or before the last day of February each year. Any establishment that fails to remit payment for an annual permit by the due date shall be assessed a penalty of fifty percent (50%) of the permit fee for each day the required payment is not received.
- C. Mobile Facilities
1. The permit holder must notify the LaPorte County Health Department seventy-two (72) hours in advance of an event.
- D. Temporary Practitioner Permit
1. The permit shall expire thirty-one (31) days after the date of issuance.
- E. Apprentice Permit
1. An apprentice must be at least eighteen (18) years of age.
 2. An apprentice must practice under the authority of a LaPorte County Health Department permit holder who serves as the apprentice's mentor and who also has a valid LaPorte County Health Department Body Piercing & Tattoo permit.
 3. An apprentice's permit application must include the mentor's name, signature, and a copy of the mentor's permit.
 4. The apprentice shall only practice in the presence of the apprentice's mentor.

111.07. Work Environment Requirements for Facilities and Practitioners.

- A. Hand-washing:
1. Hand-washing facilities shall be readily accessible where tattooing and/or body piercing is or are provided.
 2. Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.
 3. Only single-use towels shall be used.

B. Work Environment:

1. No tattooing or body piercing shall be conducted in any room used as living quarters or in any room that opens into living quarters.
2. Live animals shall not be permitted in areas where tattooing or body piercing is being conducted. However, this exclusion does not apply to the following:
 - a. Patrol dogs accompanying security or police dogs.
 - b. Guide dogs accompanying the following:
 - i. Blind persons;
 - ii. Partially blind persons;
 - iii. Physically disabled persons;
 - iv. Guide dog trainers; or
 - v. Persons with impaired hearing.
3. Eating, drinking, smoking, applying cosmetics, or handling contact lenses shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.
4. No food or drink shall be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.
5. All equipment and environmental surfaces shall be cleaned and disinfected after contact with blood or OPIM.
6. Environmental surfaces and equipment not requiring sterilization but have been contaminated by blood shall be cleaned and disinfected.
7. All work surfaces shall be:
 - a. Nonabsorbent;
 - b. Easily cleanable; and
 - c. Smooth and free of:
 - i. Breaks
 - ii. Open seams
 - iii. Cracks
 - iv. Chips
 - v. Pits and similar imperfections
8. 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.

C. Reusable equipment:

1. Heating procedures capable of sterilization must be used when heat stable, non-disposable equipment is sterilized.
2. Equipment that is to be sterilized shall be put in single use packaging.
3. Records must be maintained to document the following:
 - a. Duration of sterilization technique.
 - b. Determination of effective sterility, such as use of a

- biological indicator, is performed monthly.
- c. Equipment is maintained as recommended by any owner's manual and proof is available that any such 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 sharp items have or may 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.

D. Client Records:

- 1. Records of every client shall be maintained by the operator for a minimum of two (2) years. The records shall include the following, but not be limited to, the client's:
 - a. Name and, if applicable, the name of any parent or guardian providing in-person, written consent.
 - b. Address and, if applicable, the address of any parent or guardian providing in-person, written consent.
 - c. Age and form of identification presented to verify age.
 - d. Date tattooed or body pierced.
 - e. Design of tattoo.
 - f. Location of the tattoo or body piercing on the patron's

- body.
- g. The name of the individual who performed the work and verified required information.
- h. Jewelry or other decoration used.

111.08. Operational Requirements for Facilities and Practitioners.

A. Appropriate personal protective equipment shall be worn as follows:

1. A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.
2. Masks in combination with eye protection devices such as goggles or glasses with a 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.
3. 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 the ability to function as a barrier is compromised. Disposable gloves shall not be reused.
4. Gloves shall be worn when decontaminating environmental surfaces and equipment.

B. Tattooing Equipment:

1. Only single-use razors shall be used.
2. All stencils shall be properly disposed of after a single use.
3. If a design is drawn directly onto the skin, it shall be applied with a single-use article only.

C. Needles:

1. Needles shall be individually packaged and sterilized prior to use.
2. Needles shall be single-use only.
3. Needles shall be discarded in sharps containers immediately after use.
4. Contaminated needles shall not be bent or broken or otherwise manipulated by hand.

D. Dyes or pigments or other objects placed under the skin:

1. All dyes or pigments used in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.
2. 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 client
3. After tattooing, the remaining unused dye or pigment in single-use or individual containers shall be discarded along with the container.

4. Any object placed under the skin shall be sterile.

111.09. Report of Violations.

- A. If during the inspection of any Tattoo or Body Piercing establishment or facility the Health Department discovers any violation of any provision of this Ordinance or of 410 IAC 1-5 (or as amended hereafter), the Health Department shall issue a written report listing such violations.
- B. A copy of the written report shall be filed in the records of the Health Department after appropriate review by supervisory personnel.

111.10. Permit Suspension or Closure.

- A. The Health Officer may order the suspension of any permit issued for Tattoo and Body piercing which shall prohibit any tattooing and body piercing for the following reasons:
 1. Interference with the Health Officer or Health Department in the performance of their duties. Interference shall be defined as any action that obstructs, hampers, or otherwise hinders the Health Officer or Health Department in the performance their duties.
 2. Violation, willful or otherwise, of any provision of this Ordinance or applicable state and local laws.
- B. Whenever the Health Officer or Health Department determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, the Health Officer or Health Department shall give notice of the alleged violation to the person or entity responsible therefore, and to any known agent of such person. Such notice shall:
 1. Be in written form.
 2. Include a statement of reasons why the notice is being issued.
 3. Allow a reasonable time for the performance of any corrective or remedial actions the notice requires.
 4. Be personally served upon the owner or the owner's agent, served upon either or both of them by way of certified mail addressed to the owner's and/or agent's last known address, posted in a conspicuous place in or about the subject facility, or served by any other method authorized or required under the laws of this state.
 5. Such notice must provide the corrective or remedial actions, which, if taken, will effect compliance with the provisions of this Ordinance.

111.11. Request for a Hearing.

- A. Any person or entity affected by a notice of violation may request and shall be granted a hearing on the matter before the Health Officer or designated hearing officer, provided that such person or entity has filed with the Health Department within ten (10) days after service of such notice a written petition requesting such hearing and setting forth a statement of the petitioner's position and grounds for the hearing. Hearings will be held as soon as reasonably practicable after the receipt of the petition. Upon receipt of such petition, the Health Officer shall designate and

provide the petitioner with notice of the time and place for such hearing. At any hearing, the petitioner shall be given an opportunity to be heard and show cause why compliance with the Ordinance should not be met.

111.12. Penalties.

- A. Any person or entity that violates any provision of this Ordinance shall be subject to a fine of \$500.00 for the first offense; a fine of up to but not more than \$1,000.00 for a second or repeat offense; a fine of up to not more than \$1,500.00 for a third or any subsequent offense, as determined and fixed by the Health Officer.
- B. Any person or entity violating any of the provisions of this Ordinance shall also be responsible for and pay to the LaPorte County Health Department all expenses, including, but not limited to, reasonable attorney's fees, or any losses or damages occasioned by reason of such violation.

111.13. Enforcement Interpretation.

- A. The Health Department may initiate any other actions provided under state or local laws as deemed necessary by the Health Officer for purposes of proper enforcement of this Ordinance.

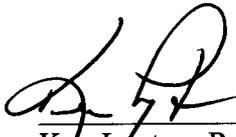
111.14. Repeal and Partial Invalidity.

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

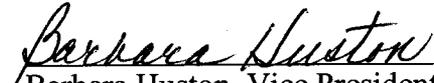
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This Ordinance shall take effect upon its passage, posting and publication as prescribed by law.

ADOPTED on this 7th day of June, 2011.



Ken Layton, President



Barbara Huston, Vice President



Willie Milsap, Member

ATTEST: 

CRAIG HUCHMAN, Auditor